



Department  
for Environment  
Food & Rural Affairs

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

T: 03459 33 55 77  
[helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)  
[www.gov.uk/defra](http://www.gov.uk/defra)

Ms Paula Williams  
[request-515224-607068cd@whatdotheyknow.com](mailto:request-515224-607068cd@whatdotheyknow.com)

Our ref: FOI2018/21001  
25 October 2018

Dear Ms Williams,

**REQUEST FOR INFORMATION: Wild Ground and the Rhydymwyn Valley Site**

Thank you for your request for information of 7th October about Wild Ground and the Rhydymwyn Valley Site. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

Regulation 5(2) of the Fees Regulations states that public authorities can aggregate related requests if 1) the requests relate, to any extent, to the same or similar information and 2) the requests are received by the public authority within the period of 60 consecutive days. As we have received 5 separate information requests relating to the Rhydymwyn Valley Site (27 September [FOI2018/20529], two on 7 October [FOI2018/21000 and FOI2018/21001], 8 October [FOI2018/21196] and 10 October [FOI2018/21622]) that are from members of the Rhydymwyn Valley History Society (RVHS), we have therefore decided to aggregate them and treat them as one request. To confirm, this means that we will respond to each separate request with the same response.

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, the amount of information you have requested is very substantial, and gathering it together would involve a significant cost and diversion of resources from the Department's other work.

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.



In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of information concerning the Rhydymwyn Valley Site, in order to promote an open and transparent government in relation to spending. Information on risk assessments, membranes, contracts and on Wild Ground/North East Wales Wildlife (NEWW) would also provide further clarity about how the site functions.

On the other hand, there is a strong public interest in ensuring that the Department avoids an unreasonable and disproportionate diversion of resources from the provision of public services, i.e. the Department's core functions.

To establish whether Defra holds any information in relation your requests it would mean that substantial staffing resources are used to search electronic (e.g. emails, shared drives and document portals) and paper records in various buildings and archive facilities (e.g. boxes of files) as the information is not held in a central repository.

Due to the diversity of Risk Assessments and Method Statements (RAMS) there will be a substantial quantity for the last 3 years that are held with some historic data. We would need to contact the multiple suppliers and stakeholders to request copies of each of the RAMS. Then we would need to carry out a review of each one to investigate whether it is current or draft proposal or for works that have not been authorised or approved, which would include contacting each of the stakeholders/contractors and the onsite team. The RAMS would then need to be indexed.

Substantial staffing resource would be required to review information from archives to identify and index what may be held on the placement of orange membranes. The RVHS have previously had access to these records and taken copies.

The amount of time and resource required to comply with your request, and the burden that this would place on the Department would fall within the 'manifestly unreasonable' exception at regulation 12(4)(b) of the EIRs. We therefore do not consider your request to be in the public interest.

Regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example:

- Ask for information that RVHS has not previously requested, e.g. if requesting RAMS for the Rhydymwyn Valley Site it would be helpful to narrow down to one stakeholder or contractor and this would limit the time Defra would have to spend on providing the information you requested.
- We have previously provided a great deal of information to the RVHS regarding the Rhydymwyn Valley Site and so we would urge you to look at this information to understand what additional questions you have.

We have also previously provided responses regarding contracts and have withheld information due to the commercial sensitivity. Please note that should you ask for further contract information, we may once again need to consider whether the information is still commercially sensitive and thus engage an exception to withhold the information.

Please also note that for the payments to NEWW, there is a difference in figures due to available data on Defra current systems and this was declared in the previous response. All NEWW monies paid or contracted as specified in the response were specific to work done for Defra on the Rhydymwyn site to fulfil basic duties related to wildlife management. A small part of that money was for NEWW to attend stakeholder meetings and was also for community engagement, public events, Christmas events and volunteering etc., less than £3k per annum.

Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

We attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

**Andy Jennings**  
**Information Rights Team**  
[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)

## **Annex**

### **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Nick Teall, Head of Information Rights, Seacole Building, 2 Marsham Street, London, SW1P 4DF (email: [InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF