



Llywodraeth Cymru
Welsh Government
12 November 2021

Ein cyf/Our ref ATISN 15557

Dear

Request for Information – ATISN 15557

I apologise for the delay in responding to you. I wrote to you on 14 October regarding your request for information.

Your request

You asked for:

1. Details of how much the Welsh Government has spent creating and maintaining 50mph speed limits on:
 - a. the A494 between the Wales/England border and St David's Interchange at Ewloe in Flintshire;
 - b. the A483 between junctions 5 and 6 at Wrexham;
 - c. the A470 between Upperboat and Pontypridd, Rhondda Cynon Taf;
 - d. the M4 between junctions 41 and 42 at Port Talbot;
 - e. the M4 between junctions 24 and 28 in Newport.
2. The costs for (a–e) above separately, since June 2018 or the relevant financial year when the speed limits were introduced.
3. All available correspondence held by the Department for Climate Change since May 2021 relating to the announcement to start enforcing the speed limits on 4 October 2021.

Our Response

For questions 1 and 2, the costs in the table below reflect the total programme costs for the works, including air quality monitoring, assessment, design, installation and ongoing maintenance costs for the locations you requested:

Scheme/Site	2018/19	2019/20	2020/21	2021/22	TOTAL
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BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Llywodraeth Cymru /
Welsh Government
Parc Cathays / Cathays Park
CF10 3NQ

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

				to date	
A494 between the Wales/England border and St David's Interchange at Ewloe in Flintshire	90,901.75	567,061.53	89,674.20	83,074.80	830,712.27
A483 between junctions 5 and 6 at Wrexham	60,133.46	418,370.17	59,782.80	55,383.20	593,669.63
A470 between Upperboat and Pontypridd, Rhondda Cynon Taf;	124,472	664,576	259,294	130,230	1,178,572
M4 between junctions 41 and 42 at Port Talbot;	123,080	664,576	269,686	130,230	1,187,572
M4 between junctions 24 and 28 in Newport	83,998	55,176	1,660,884	65,235	1,865,293

In my letter of 14 October, I explained that your third question was likely to be very time consuming to deal with. I suggested ways in which you could provide a more focused request. Because I have not heard anything further from you, your request has been considered as submitted on 30 September. I confirm that your third question is refused under Regulation 12(4)(b), manifestly unreasonable, of the Environmental Information Regulations. Full reasoning for applying this exception is at Annex A.

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.of.information@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

ATISN 15557 - Application of exception

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.

We have decided to withhold the following information:

- 3. All available correspondence held by the Department for Climate Change since May 2021 relating to the announcement to start enforcing the speed limits on 4 October 2021.*

This Annex sets out the reasons for the engagement of Regulation 12(4)(b), manifestly unreasonable of the Environmental Information Regulations (EIRs) and our subsequent consideration of the Public Interest Test. I am of the view that the information is environmental information because it relates to the enforcement of speed limits which is likely to affect the environment.

Engagement of Reg12(4)(b), manifestly unreasonable of the EIRs

I have concluded that your third question 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.”

Public Interest Test

In order to satisfy the public interest test in relation to the above exception, 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 Welsh Government recognises the general public interest in openness and transparency. It is also recognised that releasing the information may help the public

gain a better understanding of why the speed limits are being introduced, particularly as they are all on heavily congested and frequently used roads.

Public interest arguments in favour of withholding

Your third question is considered to be very broad as you have asked for “all available correspondence”. Where the Welsh Government believes providing such information would involve tasks that would be time consuming to deal with, in line with our obligations under the section 45 Code of Practice, we inform the requester of that fact and invite them to narrow down or re-focus their requests.

In my letter of 14 October, I suggested ways in which you could potentially bring your request within scope. Because you have not specified any specific pieces of correspondence you have a particular interest in or focussed the scope of your request by limiting the correspondence to particular letters, the search would be very complex and time consuming.

A substantial volume of the information requested is stored on our Electronic Document and Records Management System, known as iShare, and within Outlook e-mail accounts for individual officials. Documents are saved on iShare using naming conventions appropriate to the effective recording of information for our own purposes. Setting our systems in this way, and in line with our Records Management policy, enables effective delivery and will not necessarily lend themselves to being easily interrogated for generic requests for information.

An initial iShare search for ‘50mph’ and ‘A494’ from 1 June 2018 yielded several thousand results. Similar searches would need to be undertaken for the other sections of roads. At an average estimate of one minute per result to check whether it is relevant to your request and then extracting the relevant information, it would take one official at least a full working week to process, but it is very likely the work would extend beyond that timeframe.

Balance of public interest test

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. 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.