

16 June 2026

Dear

ATISN 26985 - Year 2 Packaging Extended Producer Responsibility (pEPR) payment methodology for Welsh local authorities, including the Wales-specific adjustment or supplementary approach

Thank you for your request received on the 18 May 2026. You asked for:

The following recorded information held by the Welsh Government about the Year 2 Packaging Extended Producer Responsibility (pEPR) payment methodology for Welsh local authorities, including the Wales-specific adjustment or supplementary approach.

This request covers the main documents and recorded analysis relating to the Welsh Government's role, the use of WLGA expenditure data, and the reasons for the methodology used.

1. Governance and decisions

Please provide:

- *Briefing papers, advice notes, submissions, or presentations prepared by or for the Welsh Government about the development, proposal, consideration, endorsement, or approval of the Wales-specific Year 2 pEPR methodology.*
- *Any meeting notes, minutes, action logs, or decision records showing how this approach was developed and the role of the Welsh Government in that process.*

2. Communications with PackUK, Defra, and WLGA

Please provide:

- *Correspondence and meeting records between the Welsh Government and PackUK, Defra, and/or WLGA about:*
 - *the Wales-specific Year 2 pEPR methodology;*
 - *the use of WLGA expenditure data;*
 - *the use of recycling performance data or targets;*
 - *any concerns about fairness, efficiency, or legal defensibility.*

3. Legal and regulatory analysis

Please provide:

- *Any recorded internal communications, internal or external legal advice, or other legal or regulatory analysis held by the Welsh Government about:*
 - *the legality or defensibility of the Wales-specific Year 2 methodology;*
 - *the use of WLGA actual expenditure data;*
 - *whether this approach was consistent with the requirement to reflect efficient costs.*

4. WLGA expenditure data: reliability and efficiency

Please provide:

- *Any assessment by the Welsh Government of the consistency, reliability, completeness, comparability, or quality of WLGA expenditure data used, or considered for use, in the Year 2 methodology.*

- Any assessment of whether WLGA expenditure data represented, or could reasonably be used as a proxy for, efficient costs.
- Any recorded consideration of the risk that local authorities might change their WLGA reporting if those returns materially affected pEPR payment allocations.

5. Fairness and distributional impact

Please provide:

- Any internal analysis by the Welsh Government of the distributional impact of the Wales-specific Year 2 methodology, including any assessment of impacts on different authorities, likely winners and losers, or the risk of penalising efficient authorities while benefiting less efficient ones.
- Any assessment of whether the methodology created perverse incentives, including incentives to report higher expenditure in WLGA returns.

6. Rationale for the performance metric used

Please provide:

- Any documents explaining the reasons for using recycling performance data in the Wales-specific adjustment.
- Any documents explaining why performance data from one year was used with a target, benchmark, or statutory expectation from a different year, including any assessment of whether that approach was fair, appropriate, or legally defensible.
- Any documents explaining whether it was appropriate to use a metric for overall recycling performance, including material streams beyond household packaging waste, when setting payments for household packaging waste.
- Any documents explaining the relationship between recycling performance and effectiveness and efficient costs in the Year 2 methodology.

7. Calculation materials and breakdown of amended allocations

Please provide:

- Any main calculation materials, worked examples, spreadsheets, tables, or explanatory documents held by the Welsh Government showing how the Wales-specific Year 2 adjustment was applied to produce the amended allocations for Welsh local authorities.
- Any authority-level output, summary table, or explanatory note held by the Welsh Government showing the movement from the initial allocation to the final amended allocation.

Our response

I can confirm that we hold information relating to your request. However, from my preliminary assessment, I find that that handling your request is likely to be very time consuming and have a significant impact on resources.

In the first instance, I am of the view that the information captured by this request relates to waste management and consequently falls under the definition of environmental information. 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’.

I have concluded that your request for information is both voluminous and complex. Under the EIRs, namely regulation 12(4)(b) EIR, a public authority may refuse to disclose environmental information requested if—(b) the request for information is manifestly unreasonable; essentially this means that the cost or burden of dealing with a request is too great. The starting point is the appropriate limit within the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#) which states that for public authorities this would incorporate 24 hours of staff time. 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.

As it was expected the bulk of information captured by this request would lie in our Resource Efficiency and Circular Economy division, officials in that division undertook scoping work with keyword searches, and looking through relevant emails and files to locate information in the scope of this request. In this work they initially located 230 emails that may be in scope. Although this list of emails is extensive, it was not possible to know whether an email was actually in scope of the request or not without a manual review of the emails. This work was undertaken as a sample of the task required, and logged time taken on this aspect of the request reached 22.5 hours work (indicating the average time to review each email to extract, review and decide if it was in scope, was a little in excess of 5 minutes per email. This is because the emails can be lengthy and complex.

As we would need to repeat this search in other divisions that may also have information in scope, and as a similar exercise is required to locate information in electronic files in our filesystem, it is clear that the scope of this request would be well in excess of the time taken on this scoping exercise.

Additionally, having located the files and documents in scope, we would require time to be spent on collating and preparing the information for release. This too would greatly add to the time required to complete the task.

I confirm an acknowledgement email was sent to you on 20 May 2026 where we drew your attention to the size of the request and invited you to focus your enquiry

on the information most relevant to what you require (in accordance with regulation 9 (1) of the EIRs). To date, a response has not been received.

Public Interest Test

Regulation 12(4)(b) EIR's 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 work of Welsh Government, and for allowing for public scrutiny of the policy decision making process.

Balanced against this is the cost to the public purse required to undertake the tasks of location, collation, and preparation of this information to release. This work must be undertaken by those involved in the policy area, where there is a small team involved in policy delivery with limited resources. It is not in the public interest that the resources of government be excessively diverted to these tasks, if, in so doing, it would lead to the failure to comply with the development and delivery of pEPR policy work, which I find to be the case in this matter.

In balancing the public interest, I note that in our acknowledgement letter we drew your attention to the size of the request and invited you to focus your enquiry on the information most relevant to what you require. We did not receive a response to this letter, and I must thus therefore proceed to consider the original request. For the reasons outlined above, I conclude that the balance favours maintaining the exception.

Your request is therefore refused under regulation 12(4)(b) EIRs, as the request for information is manifestly unreasonable.

Should you send us a refined request, we will treat this as a new request.

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