

17 July 2026

Dear

**ATISN 27196 - 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 8 July 2026. You asked for:

1. *Copies of correspondence (including internal and external emails and any directly attached or linked documents) sent or received by Rhodri Asby and Simon Tew during the period 1 August 2025 to 30 January 2026 that relate specifically to the development, design, or agreement of the Wales-specific Year 2 pEPR methodology.*
2. *Any briefing notes, summaries, or key documents held by Rhodri Asby and Simon Tew which directly informed or set out the Wales-specific Year 2 pEPR methodology, where these can be identified from or alongside the relevant correspondence without the need for extensive additional searches.*
3. *Copies of the final or most recent version of any document that:*
  - *Analyses the distributional impact of the Wales-specific Year 2 methodology across Welsh local authorities*
  - *Assesses the consistency, reliability, completeness, comparability, or quality of WLGA expenditure data considered for use in the Year 2 methodology.*

*To assist in keeping this request within the cost limit:*

- *We are content for searches to be limited to correspondence associated with Rhodri Asby and Simon Tew only, rather than wider departmental searches*
- *We are content for the use of targeted keyword searches (for example: “pEPR”, “Year 2”, “Extended Producer Responsibility”) to identify relevant material*
- *We do not require purely administrative material (e.g. calendar invites or duplicates of email chains)*
- *Where documents are attached within email correspondence, we do not require these to be located separately outside that correspondence*
- *For part 3, we are seeking only clearly identifiable final or near-final documents, rather than drafts or exchanges requiring extensive searches*

**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 how much information fell within the scope of your request and considered what would be necessary to extract and collate that information. 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.

We therefore consider your request is likely to fall within the “manifestly unreasonable” definition.

## **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.

Your request is therefore refused under regulation 12(4)(b) EIRs, as the request for information is manifestly unreasonable. Please see the Next Steps section below for further information as to how the information you require could be provided by us.

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

### **Next steps**

If you would still want to obtain information being sought by this request, you may wish to further refine the specific information you are seeking. Rather than identifying information by reference to particular individuals or the format in which it may be held, it would be helpful if you could focus on the specific information you require. This will help us to better understand your requirements and determine whether the request can be answered without your request engaging the exception for manifestly unreasonable requests.

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](mailto: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