



Department  
for Environment  
Food & Rural Affairs

Area 4A, Nobel House  
17 Smith Square  
London  
SW1P 3JR

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

[REDACTED]  
By email: [REDACTED]

Our ref: RFI 9788  
22 March 2018

Dear [REDACTED]

**REQUEST FOR INFORMATION: Defra defence fees and fees paid to Client Earth through court cases on the issue of air quality**

Thank you for your request for information, which we received on 21 February 2018, about defence fees and fees ordered to be paid to ClientEarth through court cases brought by ClientEarth on the issue of air quality. We have handled your request under the Freedom of Information Act 2000 (FOIA)

Information regarding these costs was published in response to previous FOI requests on 15 July 2015 and on 11 July 2017. This information is therefore exempt from disclosure under s.21 of FOIA which relates to information that is reasonably accessible by other means. Copies of those responses can be seen at the following links:

<https://www.gov.uk/government/publications/air-quality-and-portsmouth-city-council>

<https://www.gov.uk/government/publications/legal-costs-of-case-brought-against-defra-on-air-quality-plan>

However, please also note the following:

In respect of the Government's application which was heard on 27 April 2017 (neutral citation [2017] EWHC B12 (Admin)) costs of £14,796 were not included in the previous 11 July 2017 response as these had not been invoiced at that time. In addition, and as noted in the 11 July 2017 response, the Court ordered Defra to pay ClientEarth's reasonable costs in respect of the application. Those costs have now been agreed in the sum of £11,000.

In respect of the ClientEarth's application which was heard on 5 July 2017 (neutral citation [2017] EWHC (Admin) 1966) a total of £60,582.97 was incurred in costs. ClientEarth was also ordered to pay the Secretary of State's costs of defending that application in the capped amount of £5,000.



A total of £148,135.05 was incurred in relation to the challenge to the UK plan for tackling roadside nitrogen dioxide concentration, published in 2017 (*ClientEarth No. 3* [2018] EWHC 315 (Admin)). The Secretary of State was also ordered to pay ClientEarth's reasonable costs up to a cap of £35,000. At the time of writing these costs have yet to be agreed. In addition, ClientEarth has been ordered to pay the Secretary of State's reasonable costs of addressing the issue concerning the 5 cities from 1 January 2018 to trial, subject to a cap of £10,000. As at the date of this letter those costs have yet to be agreed.

The figures above are based on the information we have and accurate as far as reasonably possible. However, several factors need to be considered. The figures include work done by litigation lawyers at the Government Legal Department (GLD) and barrister fees (to the extent that this information was held at the time of your original request). However, the figures represent an indicative total and do not necessarily represent the costs Defra has paid because GLD provides litigation services to the Department under a pre-agreed block-fee arrangement. Where relevant the figures include VAT on barrister fees. The figures do not include time spent by Defra Legal Advisers (the Department's advisory lawyers), as we do not hold information on the time spent by individual lawyers on specific matters.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, which explains the copyright that applies to the information being released to you.

We also attach Annex B 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,

[REDACTED]

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

## Annex A

### Copyright

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## Annex B

### 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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [REDACTED], Head of Information Rights, Area 4A, Nobel House, 17 Smith Square, London, SW1P 3JR (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