



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6661
Date: 10 September 2014

Dear

**REQUEST FOR INFORMATION: DEFRA AND NORFOLK COUNTY COUNCIL
CORRESPONDENCE ON PLANNING AND TECHNOLOGY**

Thank you for your request:

- 1). Please provide me with all correspondence, both written and email, including attachments, between Defra and Norfolk County Council, which makes reference to the proposed timetable as highlighted in the sections from the NAO report 'Oversight of three PFI waste projects' paragraphs 2.5 and 2.44.

- 2). Please provide me with all correspondence, both written and email, including attachments, between Defra and Norfolk County Council, which makes reference to technology options as highlighted in paragraph 2.6 of the NAO report 'Oversight of three PFI waste projects' paragraphs 2.5 and 2.44."

As you are aware, we have handled your request under the Environmental Information Regulations 2004 (EIRs). I apologise for not replying within deadline it has taken time to get the information together and make sure the response is accurate.

I attach to this letter the following documents:

Documents which cover both planning and technology

- Correspondence.pdf

Documents which cover planning

- Norfolk Final FBC Review Clarification.pdf



INVESTORS
IN PEOPLE

Documents which cover technology

- Clarifications 25072008 v1.pdf
- Norfolk OBC Clarification Meeting.pdf
- Briefing Note on Paper and Plastics v1.pdf
- Norfolk OBC Review Initial Queries v1.0.pdf
- Norfolk GWP Summary Updated.pdf
- CHP Biogas Briefing 25072008 v1.0

You will see that we have redacted certain pieces of information from the letter as allowed by the EIRs. These withheld pieces of information are clearly labelled in the above-named documents where they occur.

Exceptions Engaged

Regulation 12(4)(a) Information Not Held

We do not hold the attachments referred to in Defra Official's email dated and timed 23 July 2011 21:34, and Joel Hull's email dated and timed 07 July 2008 17:12. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

Regulation 12(4)(d) Unfinished Documents or Incomplete Data

We have withheld the attachment to Defra's email dated and timed 15 August 2011 13:44 as the 2nd iteration of the document was a "work-in-progress report". However, the 3rd iteration of the document is attached as *Norfolk Final FBC Review Clarification.pdf*.

In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information concerning the work in progress report, however, on the other hand, there is a strong public interest in withholding the information because it was incomplete.

Regulation 12(5)(e) Commercial Confidentiality

In the document *Correspondence.pdf* we have withheld items of information (both documents and excerpts within specific emails) under this Regulation. This is because the information is of a sensitive commercial nature. In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information around the interaction between the parties involved, however, on the other hand, there is a strong public interest in withholding the information to protect the Government's ability to reach confidential commercial judgements.

Regulation 13 Personal data

As regards the names of officials, this personal data is being withheld as the information falls under the exception in regulations 12(3) and 13(2)(a)(i) of the EIRs, which relate to personal data relating to third parties. Regulation 13(2)(a)(i) of the EIRs exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998 (DPA). Consequently, we believe that regulations 12(3) and 13(2)(a)(i) of the EIRs exempt the information from disclosure.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

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

I 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 us at the address below.

Yours sincerely



informationrequests@defra.gsi.gov.uk

Annex A: Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the Open Government Licence. For information about the OGL and about re-using Crown Copyright information please see The National Archives website.

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website.

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 Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@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 for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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