

**EIR Release**  
***Information released under the Environmental Information Regulations***

**Title:** Correspondence with Drax Group plc regarding the financial loan provided by the Green Investment Bank in 2012

**Date of release:** 10 April 2013

**Information request**

1. Correspondence between BIS and Drax Group plc, and any of its subsidiaries and any of its agents, regarding the biomass conversion of power station capacity at Selby operated by Drax Power Limited.
2. Internal correspondence within BIS regarding the biomass conversion of power station capacity at Selby operated by Drax Power Limited.
3. Correspondence during 2011, 2012 and 2013 between BIS and Drax Group plc, and any of its subsidiaries and any of its agents, regarding the Renewable Obligation Order.
4. Correspondence between BIS and DECC concerning the financial loan provided to Drax Group plc by the Green Investment Bank in 2012.
5. Internal correspondence within BIS concerning the financial loan provided to Drax Group plc by the Green Investment Bank in 2012.
6. Correspondence between BIS and the Green Investment Bank concerning the financial loan provided to Drax Group plc by the Green Investment Bank in 2012.
7. Correspondence between BIS and DECC regarding the funding of biomass and biofuels by the Green Investment Bank.
8. Internal correspondence within BIS regarding the funding of biomass and biofuels by the Green Investment Bank.
9. Correspondence between BIS and the European Commission regarding State Aid considerations for renewable electricity support schemes in the UK.

## **Information released**

In view of the substance of the request, it has been considered under the Environmental Information Regulations 2004 (EIRs).

The information requested in questions 6, 7 and 8 is held by this Department. The Department does not hold information falling within the scope of the other 6 questions. Copies of the information held falling within the scope of questions 6, 7 and 8 are attached. For ease of reference, the information is separated out into three sections. The first contains the information we hold that falls within the scope of question 6, the second is the information we hold within the scope of question 7 and the third is the information we hold within the scope of question 8.

### **EIR Exceptions to the duty to disclose: Regulation 13(1)**

Personal details of junior officials, third parties and members of staff of companies have been redacted from the documents in accordance with EIR regulation 13(1). This provides an absolute exemption from disclosure for personal data which must be dealt with in accordance with the Data Protection Act 1998. Personal data of third parties can only be disclosed in accordance with the data protection principles, the first of which requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. In this case, we have redacted such data because we do not consider it fair to release it or that any of the relevant Schedule 2 conditions apply.

### **EIR Exceptions to the duty to disclose: Regulation 12(4)(d) and Regulation 12(4)(e)**

Also redacted from the documents (mainly contained in tables provided at items 1, 3, 4 and 5 of the material provided in response to question 7) two sets of data that were provided to BIS by DECC in June 2012. This data is being redacted in accordance with EIR regulation 12(4)(d) - an exception relating to material still in the course of completion, unfinished documents and incomplete data and also with EIR Regulation 12(4)(e) – an exception relating to internal communications.

Regulation 12 exceptions are subject to the public interest test. Accordingly, we have considered whether the public interest in maintaining the exception is greater than the public interest in providing the information, applying a presumption in favour of disclosure as required by regulation 12(2) of the EIRs.

In taking this decision we recognise there is a general public interest in the disclosure of information, as greater transparency makes Government and decision making more open and accountable. However, the information represents work in progress as officials developed the Government's position following its consultation on the Renewables Obligation Banding Review. The final outcome of that work was published on 25 July 2012 in the Government's response to the consultation on proposals for the levels of banded support under

the Renewables Obligation for the period 2013-17 and the Renewables Obligation Order 2012: Impact Assessment. We consider the public interest as regards transparency about the substantive issues raised in that consultation process has already been served effectively.

There is a risk that releasing material produced as part of the process of reaching substantive conclusions could generate confusion and distract public debate towards an examination of any differences that might exist between the earlier work and the Government's fully developed findings. Such debate would appear to serve no beneficial purpose and the Department's view is that the balance of public interest in this instance lies firmly in withholding the information.