



Department  
of Energy &  
Climate Change

Charles Hendry Esq MP  
House of Commons  
London  
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The Rt Hon Gregory Barker MP  
Minister of State

Department of Energy & Climate Change  
3 Whitehall Place  
London  
SW1A 2AW

[www.gov.uk](http://www.gov.uk)

31 July 2013

Dear Charles

Thank you for your letter dated 8 July, on behalf of your constituent  
[Name] who requested the following information:

*"..the details of the individuals who sat on the panel to propose [the emissions limits regulations under the Renewable Heat Incentive (RHI) be] put in place."*

Under the Freedom of Information Act 2000 ('the Act'), [Name] has the right to:

- know whether we hold the information you require;
- be provided with that information (subject to any exemptions under the Act which may apply).

The Department does not hold the information as requested, because there was no "panel" which proposed that the emission limits regulations be included in the RHI.

While developing the RHI scheme, we recognised that, if the scheme resulted in a significant take-up of biomass installations, there could be air quality implications associated with this. Proposed emission limits were discussed and agreed in 2010 between various officials in the Department for the Environment, Food and Rural Affairs (Defra), which leads on air quality matters, and DECC.

It was always the intention to introduce emission limits regulations into the RHI, and we announced that limits would be included in the scheme in our policy document published in March 2011. This is available at:

<http://webarchive.nationalarchives.gov.uk/20110508074721/http://decc.gov.uk/assets/decc/What%20we%20do/UK%20energy%20supply/Energy%20mix/Renewable%20energy/policy/renewableheat/1387-renewable-heat-incentive.pdf> (pages 49 - 50).

The proposed limits were developed so as to be high enough to allow a range of types of biomass installation to be able to meet them. Subsequently, the proposed limits were included in two public consultations, in which we sought views before making them a part of the scheme. These consultations, with website links, were:

- "Renewable Heat Incentive: Consultation on the proposed RHI financial support scheme", published in February 2010 (<http://webarchive.nationalarchives.gov.uk/20100712173559/http://www.decc.gov.uk/en/content/cms/consultations/rhi/rhi.aspx>). The outcome of this consultation is the March 2011 policy document referred to above.
- "Renewable Heat Incentive: Expanding the non-domestic scheme", published in July 2012 (<https://www.gov.uk/government/consultations/renewable-heat-incentive-expanding-the-non-domestic-scheme>). We intend to publish the Government response to this consultation in the autumn and introduce any changes from spring 2014.

Therefore, our thinking regarding emission limits has been in the public domain since 2010; and we have engaged with industry about them since then.

Details of officials constitute personal data and have been withheld. Section 40 of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names of junior members of staff and do not think that any of the relevant conditions apply.

If [redacted] is dissatisfied with the handling of his request, he has the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to his original letter and should be sent to the following address:

Information Rights Unit  
Department for Business, Innovation & Skills  
1 Victoria Street  
London  
SW1H 0ET  
E-mail: [foi.requests@bis.gsi.gov.uk](mailto:foi.requests@bis.gsi.gov.uk)

[redacted] should quote the reference number above in any future communications. If [redacted] is not content with the outcome of the internal review, he has the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow SK9 5AF.

*with best wishes,  
yours  
[Signature]*

**GREGORY BARKER**