



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

Our ref: RFI 6211
Date: 11 February 2014

(By email)

Dear

REQUEST FOR INFORMATION: Details of Defra funding for Noah's Ark Zoo Farm

Thank you for your request for information about Defra funding for Noah's Ark Zoo Farm which we received on 21 January 2014. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

Following careful consideration, we have decided not to disclose some of this information.

I can confirm that Noah's Ark Zoo Farm have received funding for the elephant enclosure through the Rural Development Programme for England grant, (RDPE).

The Rural Development Programme for England is a grant scheme which is available to farmers and the rural community to improve the economy of rural areas. It is funded by the European Union with co-finance provided by Defra. Eligibility criteria covering both the nature of activity that can be supported and eligible applicants, ie, farmer, grower or rural business, were laid out in the approved RDPE Programme Document. Applicants were expected to supply a full business plan and supporting documentation which demonstrates the need for grant, and must confirm that all statutory and licensing requirements will be met. Evidence to demonstrate the financial viability of both the project and the applicant is also required.

Applications were assessed using an agreed appraisal process which considers a range of factors including value for money, potential displacement, the viability of the proposal, the output of the projects including jobs to be created, evidence of the need for grant, the project's strategic fit, and the RDPE Measure against which the project is to be judged. In the case of the Noah's Ark Zoo Farm project, the application was considered under Measure 311 which is accessible to members of a farm household to cover diversification into non agricultural activity.



One of the RDPE requirements is for successful applicants to prominently display a Defra plaque acknowledging the European funding.

You have requested other information held relating to the elephant enclosure. This information, which would include the application for funding and the appraisal of the project, is being withheld as it falls under the exemption in section 43 of the FOIA, which relates to commercial interests. However, I am able to attach an amended copy of the business plan which was not held by us at the time of your request so would technically be out of scope but we are disclosing this as part of our commitment to openness and transparency.

Information withheld

Application documentation submitted by Noah's Ark Zoo Farm

This is being withheld under Section 43, which relates to confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. This is because, for RDPE grants of this nature, the grant application documentation comprises a project's business case. Also covered by this exception is the letter of grant offer which details Noah's Ark Zoo Farm business plan. For this reason, the information you requested is being withheld as it falls under the exception in Section 43 of FOIA exemption.

Section 43

A public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Public Interest Test

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 grant application to promote openness, accountability and transparency in government, and indeed when RDPE grant formal offers are completed, the amount of RDPE investment that has been awarded becomes publically available information.

On the other hand, there is a strong public interest in withholding the information relating to Noah's Ark's business plan because the public interest lies in fair competition and disclosure of the business plan could provide competitors with an unfair advantage.

Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld.

In keeping with the spirit and effect of the FOIA 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 me.

Yours sincerely

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) 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.

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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 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