



Department
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Food & Rural Affairs

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[redacted]

Our ref: RFI 6666

15 July 2014

Dear [redacted]

REQUEST FOR INFORMATION: DECISIONS IN RESPECT OF THE MARINE POLICY STATEMENT 2011

Thank you for your letter dated 18 June requesting the following information:

- (1) Guidance that Defra has in place both internally and externally on how the Marine Policy Statement affects decision making information by the Government.
- (2) Any records of decisions taken since 1 March 2013 in accordance with Section 58 of the Marine and Coastal Act 2009 and refer to the Marine Policy Statement and draft and final East Marine Plans, including those where section 58(2) has been applied.
- (3) Any records that show the decision to create 27 new Marine Conservation Zones (<https://www.gov.uk/government/news/new-network-to-protect-valuable-marine-life>) and the Marine Conservation Zones: Update of February 2014 (<https://www.gov.uk/government/policies/protecting-biodiversity-and-ecosystems-at-home-and-abroad>) being assessed or considered in relation to the requirements of the Marine and Coastal Access Act 2009 and the Marine Policy Statement.

As you know, we have considered your request under the Environmental Information Regulations 2004 (EIRs). The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the Guidance on the Marine Licensing System in response to part (1) of your request.

I also enclose records that show the decision to create 27 new Marine Conservation Zones in response to part (3) of your request.

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, part (2) of your request is very broad and

covers an enormous amount of information, potentially covering many areas of work. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work. The reason for this is that part (2) of your request covers all section 58 of the Marine and Coastal Access Act 2009 (MCAA), which includes all decisions made which affect or might affect the whole or any part of the UK Marine Area. Moreover, the MCAA does not require a record to be kept of cases when the MPS is considered in decisions. Therefore identifying the information that you have requested would require individual investigation of all decisions since 1 March 2013.

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We consider that part (2) of your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

In reaching our decision with respect to the public interest, we considered the following matters:

- We recognise that there is a public interest in disclosure of information concerning decisions taken in respect of the application of legislation as that enables accountability, transparency and public understanding of government.
- On the other hand, given the burden on the team's workload to search for the information and the disproportionate diversion of resources from the provision of public services (i.e. the department's core functions) that this would represent, there is a strong public interest in applying the exemption at regulation 12(4)(b) of the EIRs.

In light of the above, the best way we can help you, is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. For example, it would be helpful if you could specify the decisions in which you are interested.

Please note that if you modify the second part of your request, we will handle it as a new request and so the 20-working-day deadline for responding to requests would then commence from the date that we receive the modified request. I should also mention that this reply is not to be taken to imply that Defra holds the information that you have requested at part (2) of your request. As we have not searched for the information for the reasons outlined above, we have not determined whether Defra holds the information.

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 an Annex giving contact details should you be unhappy with the service that you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Email: [redacted]

Annex

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