



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6544
Date: 21 May 2014

Dear

**REQUEST FOR INFORMATION: DEFRA AND NORFOLK COUNTY COUNCIL
CORRESPONDENCE**

Thank you for your request dated 25 April for: “all the correspondence between Norfolk County Council and the Department for Food, Environment and Rural Affairs relating to the King’s Lynn energy from waste plant in Saddlebow over the last decade. Please could I also see all the correspondence between the Norfolk MPs and Defra relating to the Saddlebow project over the last decade.”

As you are aware, we have handled 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).

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, your request is formulated in too wide a manner, and gathering the information would therefore involve a significant cost and diversion of resources from the Department’s other work.

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 exception outweighs the public interest in disclosing the information.

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. Examples to narrow the request down include the following:

- if you specified a time period in your request, please consider reducing it;
- please explain more fully and precisely the kind of information you are looking for in respect to the project. For example types of information could include: contract management, procurement, planning matters, project management, removal of Waste Infrastructure Credits (WICs; formerly Private Finance Initiatives (PFI) credits) etc. This would enable the scope of the request to be more clearly defined and make the response simpler to coordinate;
- ask us to omit information that falls within scope of your request but would add nothing to your understanding of the matter, e.g. housekeeping emails, such as meeting requests and acknowledgements; draft documents, where the finalized document also falls within the scope of the request; and personal information, such as names and email addresses of junior staff and third parties, etc; or
- browse through the material that has already been made publicly available by Defra to see if this would help you to identify more precise questions that we might be able to answer.

Previously released information

You can find Defra's previous EIR/RFI responses in relation to the Norfolk waste project on the Government website:

<https://www.gov.uk/government/collections/defra-foi-eir-releases>

Through this hyperlink you will find RFIs relating to the Norfolk project. Please let me know if you have trouble locating them on the web. The RFIs are:

RFI No.	Subject
5921	(i) Copy of 7 February letter;

	(ii) Correspondence between Defra and NCC between 1 June to 19 Oct 2013.
5966	Process, procedure and guidance used to review WICs.
6012	7 February 2012 letter and any response.
6013	Other waste projects deemed to have breached WICs terms.
6014	What relevant factors were considered in reviewing WICs.
6015	How actions suggested by Defra Director Neil Thornton were acted upon.
6016	Who else was informed of the WICs withdrawal?
6017	Details of information sought from external advisors in relation to WICs withdrawal.
6018	Details of meetings with Norfolk MPs.
6019	Details of meetings with third parties.
6057	Details of meetings between Defra and third parties.
6113	Data behind the Forecasting 2020 Waste Arisings and Treatment Capacity, Revised February 2013 Report, published October 2013.

On 15 May we replied to two further EIR/ RFI requests and these will be available shortly on the above Defra webpage. These are:

6409	Correspondence between Defra and NCC between 1 March to 31 May 2013.
6413	Correspondence between Defra and NCC between 1 January to 1 March 2013.

In addition, I will send to you previously released documents within the date-range you specify which are awaiting publication. These are:

RFI No.	Subject
4430	Correspondence between Defra and NCC 28 June to 2 December 2011.
4494	Correspondence between Defra and NCC, and Defra and Cory Wheelabrator, 24 May 2011 to 19 January 2012, relating to the SoS decision to release WICs.
4557	Correspondence between Defra and Kings Lynn Borough Council & West Norfolk between 18th January and 7th February 2012.
4581	Details on how NCC meets SoS WI Credits.
4659	Correspondence between Defra and NCC between 1 March 2011 to 1 February 2012.
4771	Correspondence between Defra and Mike Jackson relating to Saddlebow Incinerator and Kings' Lynn.
4844	Correspondence between Defra and Joel Hull relating to Saddlebow Incinerator King's Lynn.

4938	Copies of all written exchanges that relate to Norfolk PFI contract between 3 Dec 2011 and 19 July 2012 : A) Between DEFRA ministers/civil servants and representatives of NCC B) Between DEFRA ministers/ civil servants and Cory Wheelabrator Ltd.
5019	Award of Waste Infrastructure Credits: request for copy of approval letters setting out conditions of award.
5077	Calculation of critical loading/ acid deposition on Roydon Common and Grimston Warren.
5134	Correspondence between Defra and Mike Jackson. (<u>Note</u> : the covering letter to this request mentions that the emails are of an ephemeral nature and asks the requestor if they wish to see the attachments. Requestor did wish to see them and they are included in this attachment.)
5914	All correspondence between Defra & NCC, plus attachments, partly or wholly related to EfW Incinerator , between September 1st and October 15th 2013.

I also attach the Transactor Monthly Reports (TMRs) for periods September 2011, October 2011 and December 2011. Please note that TMRs are internal documents used by WIDP to monitor the project and not released. These three TMRs were released due to exceptional reasons.

Due to the size of the emails concerned, I will send each of these RFIs and the TMRs to you in separate emails.

Once you have considered the information already released, should you feel the need to ask more precise questions, please write to the WIDP Programme Office again. Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

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 (via the hyperlinks quoted above and attachments to this letter).

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 the WIDP Programme Office.

Yours sincerely

WIDP Programme Office

widp.programmeoffice@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) 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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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