



Department
for Environment
Food & Rural Affairs

T: 08459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 6350
Date: xx April 2014

Dear

REQUEST FOR INFORMATION: FLOOD SUBMISSION - SOMERSET LEVELS

Thank you for your request for information, which we received on 13 February 2014, about a copy of the submission officials sent to Defra ministers on the subject of the flood mitigation options relating to the Somerset Levels, as recently referred to in the media and which refers to dredging. We are very sorry for the delay in responding to you.

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).

It is not clear to us which specific submission your request relates to. Therefore, we have considered as falling within the scope of this request such Ministerial submissions made between 2012 and the date of your request. We conducted a search of the information we hold and have identified two submissions that were made to Ministers in 2013 which included information on Somerset and the issue of dredging.

After careful consideration, we have decided to withhold some of the information from these submissions. We attach the information that can be disclosed; this comprises extracts detailing the factual information from the two submissions to Ministers dated 8 March 2013 and 15 May 2013.

The remainder of the requested information is being withheld as this falls within the exemption under Regulation 12(4)(e) of the EIRs, whereby a public authority may refuse to



disclose information if the request involves the disclosure of internal communications; this includes submissions to Ministers.

In applying this exemption we have to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Regulation 12(4)(e)

We recognise, as you have highlighted, that flood risk management is an issue of national concern (particularly given the exceptional scale and duration of this year's flooding in Somerset and elsewhere), and that there is a strong public interest in understanding the basis for Government policies and decisions in this area. We are therefore releasing relevant factual information and evidence from these submissions on the situation in Somerset and options being considered in relation to future flood risk management.

However on the other hand, there is a strong public interest in ensuring that the formulation and development of government policy and decision making can proceed within the private space needed to ensure that it is done well. The information being withheld includes recommendations to Ministers, opinions and comments on the dredging option in Somerset. It is important to ensure that the policy advice to Ministers is protected from disclosure, so that officials are able to offer candid advice and opinions on options for policy development in this subject area, and without the need to feel inhibited by the knowledge that such submissions may be disclosed to the public.

In light of the above analysis, the disclosure of the information you requested would inhibit the free and frank provision of advice to Ministers and would have a detrimental effect on Government's ability to work constructively and ensure good decision-making. We have therefore concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure and, as such, this information should be withheld.

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 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 us at: fmpso@defra.gsi.gov.uk.

Yours

Flood Management Team

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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

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