



Department
for Environment
Food & Rural Affairs

T:
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 5566
Date: 9 July 2013

Dear [redacted]

REQUEST FOR INFORMATION: CORRESPONDENCE RECEIVED BY DEFRA IN 2011 AND 2012 REGARDING ALLEGED BREACHES OF THE REGULATIONS ON CATEGORY 1 ANIMAL WASTE BY OMEGA PROTEINS LIMITED AKA THE LEO GROUP

Thank you for your request for information about correspondence regarding category 1 animal waste, which we received on 11 June 2013. We have handled your request under both the Freedom of Information Act 2000 (FOIA) and 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).

Following careful consideration, we have decided not to disclose some of this information. We are also still considering the potential release of other correspondence which has been sent to us and will send you a further response shortly on this.

I enclose a copy of the information which can be disclosed:

- Letter of 18 August 2012 from [redacted] to Kris Hopkins MP about spillages and odours from lorries transporting animal by-products (ABPs)
- Letter of 26 April 2012 from Tony Reeves, Chief Executive of Bradford Metropolitan District Council, to MPs about Omega Proteins and petitioning from local residents about odours and spillages
- Letter of 17 August 2012 from Tony Reeves, Chief Executive of Bradford Metropolitan District Council, to Lord Taylor of Holbeach, Parliamentary Under Secretary at Defra about Omega Proteins and petitioning from local residents about odours and spillages



- Letter of 11 September 2012 from Gerry Sutcliffe MP to Lord Taylor on behalf of Tony Reeves

Separately, you also asked for copies of reply to correspondence from Lord Taylor to Bradford Council. In relation to this request the following are also enclosed:

- Letter from Jim Paice, Minister of State, Defra of 29 August 2012, in reply to letter of 17 August from Tony Reeves
- Letter from David Heath MP, Minister of State at Defra of 20 October 2012, in reply to above letter of 11 September to Lord Taylor

The remainder of the information requested is being withheld as it falls under either:

- (a) Sections 41(1) and 43(2) of the FOIA as disclosure of information provided in confidence and which is likely to prejudice the commercial interests of the parties disclosing it.

or

- (b) the exception in regulation 12(5)(f) of the EIRs, which relates to the grounds on which a public authority may refuse to disclose information due to the adverse effect it may have on “the interests of the person who provided the information where that person.... has not consented to its disclosure”

I can explain as follows why each exemption or exception applies to the information being withheld.

In relation to the part of the correspondence held by us which is exempt pursuant to Sections 41 (1) and 43 (2) of the FOIA, we recognise that there is a public interest in disclosure of information relating to allegations of non-compliance with regulations on the treatment of Category 1 animal waste. However, we have had to weigh this up against the interests of the parties concerned and their right not to have information released which was provided in confidence and which if disclosed is likely to prejudice their commercial interests. To disclose the information would be a breach of this confidence and may in turn affect the willingness of these parties to provide such information in future. We feel it is important that these parties do not feel constrained about providing information in relation to matters which may affect public and animal health and therefore on balance we have therefore decided not to release it.

With regard to other correspondence which is being withheld under regulation 12(5)(f) of the EIRs, we recognise that there are also public interest arguments for releasing this information. However, in these cases the individuals concerned have specifically requested Defra not to disclose their correspondence on this matter on the basis that it would be detrimental to their interests. Again we feel it is important that these individuals do not feel constrained about providing information in relation to matters which may affect the environment and public and animal health and that under these circumstances their interests outweigh the arguments for disclosure.

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

Yours sincerely

[redacted]

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