

Department for Environment, Food and Rural Affairs

Waste Infrastructure Delivery Programme (WIDP)
Area 6C, Ergon House,
Horseferry Road,
London SW1P 2AL

Telephone 08459 33 55 77

Website www.defra.gov.uk



Our ref: RFI 4844

6 July 2012

Dear

REQUEST FOR INFORMATION: CORRESPONDENCE BETWEEN DEFRA AND JOEL HULL

Thank you for your request for "correspondence between Defra Officials and Joel Hull of Norfolk CC, partly or wholly related to the Waste Incinerator at Saddlebow, Kings Lynn, together with the minutes of any meetings he attended or in which he or this proposal was mentioned." As you know, we received your email on 8 June and are dealing with your request under the Environmental Information Regulations 2004 (EIRs).

We wrote to you on 13th June asking you to narrow down your request, but you declined to reconsider the scope. While we consider that your request is manifestly unreasonable, we are able to provide copies of information within scope of your request that we had already placed in the public domain following a previous information request.

I enclose a copy of the following documents, which show the original redactions :

- *Correspondence.pdf*
- *Correspondence 2.pdf*

We are applying the exception for manifestly unreasonable requests to the remainder of your request.

Regulation 12(4)(b) – Manifestly unreasonable

The Norfolk County Council (NCC) waste project has been in procurement since 2007. Under regulation 12(4)(b), it would be manifestly unreasonable to review all the documents which relate to this project. To undertake such a review would involve a significant cost and divert a disproportionate amount of resources from the Department's other work.

The 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.

Regulation 12(4)(b) – Manifestly unreasonable

We recognise that there is a public interest in disclosure of information concerning such a major project as it would facilitate transparency between the various parties and help improve the accountability of the County Council with regard to the overall procurement process.

On the other hand, there is a strong public interest in Defra managing resources and public money prudently, providing value for money for the taxpayer. There is a strong public interest in the Department ensuring that resources at its disposal are deployed in an efficient and cost-effective manner. As stated in our letter of 13th June, we always try, as far as practicable, to help applicants obtain the information they are looking for.

We considered the option of looking through five years' worth of material, which is maintained in electronic and paper formats. This would require the full-time employment of a member of staff to identify the documents in scope and confirm each document with the relevant experts and named persons on whether each document could be released or whether the document (or part-of) should be withheld under the EIRs.

Furthermore, in the nature of electronic communications, many of the emails would be completely ephemeral and devoid of content, relating to the timings of or attendance at meetings, copies of correspondence etc, yet they would need to be considered as being in scope.

As your case is too broad, and you did not narrow down your request, we considered whether conducting such an exercise would serve the public interest. Our considered conclusion is that the overall value is disproportionate to the work involved. Therefore, we have concluded that in all the circumstances of the case, the public interest in maintaining the exception outweighs all other considerations.

You may be interested to know that Defra (through WIDP) has already released a huge amount of information relating to this project under the EIRs. The table listing the publicly available information can be accessed through our website at <http://archive.defra.gov.uk/corporate/policy/opengov/defra/available/inforelease/index.htm> and the documents themselves can be obtained from your local library. We hope that you find the information helpful.

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

David Watts
Programme Office Manager
Email WIDP.programmeoffice@defra.gsi.gov.uk

Annex A

Copyright

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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 within 40 working days of the date of this letter. Please write to Brendan Walsh, Head of Defra's Information Rights Team at Area1B, Ergon House, Horseferry Road, London, SW1P 2AL, (email: informationrights@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, you have 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