

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 4557

6 March 2012

Dear

REQUEST FOR INFORMATION: WASTE INFRASTRUCTURE CREDITS FOR NORFOLK COUNTY COUNCIL

Thank you for your request for copies of all communication between:-

- (1) The Borough of King's Lynn and West Norfolk, or its solicitors and,
- (2) Defra between 18/01/2012 and the date of substantive reply to your request relating to the recent award of Waste Infrastructure Credits to Norfolk County Council to facilitate the construction of an Energy from Waste Plant at Saddlebow, King's Lynn, Norfolk.

We received your request on 07/02/2012 and we have handled your request under the Environmental Information Regulations 2004 (EIRs).

I enclose a copy of the information you requested:

- Caroline Spelman's letter to Nick Daubney of 18 January (Caroline Spelman to Nick Daubney.pdf)
- Nick Daubney's letter to Caroline Spelman of 30 January (Nick Daubney to Caroline Spelman.pdf)

Please note that in order to provide you with a fully considered response, we have used the date of your request as a cut-off point. The EIRs require a public authority to consider only the information that it holds at the time that the request is received. Information that is not held by Defra is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line

with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you may now be published on our website together with any related information that will provide a key to its wider context.

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.

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

Yours sincerely

David Watts
Programme Manager
WIDP Programme Office
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