

5th May 2010

Our ref: RFI #719

Your ref:



Susan Davis [request-28444-e91da4b9@whatdotheyknow.com]

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Dear Ms Davis

Access to Information Request – Partial release – RFI #719

Thank you for your request for information about:

“Please could you release copies of any "Wild Site reports" (as referred to in the Cypripedium committee minutes) which NE holds. As before, I appreciate that a redaction exercise will need to take place.”

which we received on 9th April 2010. Your request has been carefully considered under the Environmental Information Regulations 2004.

A copy of the information is enclosed.

Some of information you requested is being withheld as it falls under the exceptions in Regulation 12(5)(g) of the Environmental Information Regulations 2004 which relates to the protection of the environment to which the information relates.

As our rarest wild flower, the Lady's-slipper Orchid *Cypripedium calceolus* is a Critically Endangered orchid in the UK and is known to be vulnerable to collectors. Although now present on a number of re-introduction sites across its former range in northern England as the result of work through the Species Recovery Programme, the orchid is restricted to a single wild site where it was rediscovered in 1930 after being presumed extinct as a native species in the early 20th Century.

The information in the wild site reports is produced each year from data collected by the wardens, and compiled for the Cypripedium Committee by Natural England so that members can monitor progress with the project and the health of the species. The data collected includes specific information on plant performance and flowering that could place the species at risk, because it may encourage visitors or collectors to the site at the most critical stage in the growing year. I have considered whether it is in the public interest to disclose the information covered by these exceptions, as is required by the Regulations. On balance I am of the view that it would not be in the public interest to disclose this information: any disturbance to, or collection from, its wild or re-introduction sites would represent a major set-back to the recovery of the Lady's-slipper Orchid and could jeopardise its existence as a wild plant in this country.

Having decided against disclosure of this information, Natural England is of the opinion that the documents requested will be rendered nonsensical as a result of the redaction process, as referred to in the National Archives' Redaction Toolkit (http://www.nationalarchives.gov.uk/documents/redaction_toolkit.pdf):

4.3 If so much information has to be withheld that a document becomes nonsensical, the entire document should be withheld. In the case of paper documents the same principle should apply to individual pages.

However, in an effort to be as open as possible, we are supplying the redacted report for 2009. If you still feel that the reports are of use in their redacted form, we will be happy to supply further reports, subject to the 18 hour time limit.

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact Darren Green, Natural England, Block B Government Buildings, Whittington Road, Worcester, WR5 2LQ. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

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

Yours sincerely

Ben Heathcote (pp Colin Newlands)
Systems, Knowledge, and Information