



Department for Transport

Mr R Palgrave

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Department for Transport
Great Minster House
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London
SW1P 4DR
Tel: 0300 330 3000
Web Site: www.dft.gov.uk

17 September 2018

Dear Mr Palgrave,

Information request - Correspondence with Herefordshire Council and others, and financial & programme information on the Hereford South Wye Transport Package

DfT Reference: E0016451

I refer to your email of 24 August following up my response to your earlier request reference E0016350. As part of your email you made the following request in relation to Document 13 sent with my previous response.

From

<https://www.whatdotheyknow.com/request/506080/response/1218552/attach/html/13/Document%201%20DfT%20HCC%20emails.pdf.html>

"The Option Refinement Report is being drafted and will be provided to DfT in due course – this will detail the schemes to be included in the business case alongside the SLR and will be considered by cabinet to enable a preferred package and a programme for delivery confirmed. "

I would like sight of the Option Refinement Report referred to.

I am writing to advise you that the Department does hold information that is relevant to your request but regret to inform you of my decision not to disclose this information.

The information you requested is being withheld as it falls under the exception in Regulation 12 (4) (d) of the Environmental Information Regulations 2004 because it relates to material which is in the course of completion. The attached annex to this letter set out the exception in full.

The information in question, the Options Refinement Report, is a draft report which was sent by consultants acting on behalf of Herefordshire County Council to the Department

for comment. The contents of the report were therefore unfinished at the time the draft was received by the Department - and this continues to be the case.

In applying this/these exception we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are:

Public interest considerations favouring disclosure

There is a presumption in favour of disclosure of information under the Regulations. There is always a general public interest in disclosing environmental information and, in this case, in informing public debate on the development of the South Wye Public Transport Package scheme.

Public interest considerations favouring withholding the information

Having previously undertaken public consultation and obtained stakeholder views on options for taking forward the South Wye Transport Package, Herefordshire County Council (whose consultants produced the report) require a “safe space” in which to complete their report on refining their preferred scheme option of a package combining a Southern Link Road with active travel measures. The Department, in turn, also needs a “safe space” in which to consider and comment on the Council’s draft report. These processes, within the Council and the Department, were still underway at the time of your request – and continue to be underway.

The Council intends to publish the report on its website as soon as it has been finalised. They currently expect the report to be finalised by the end of 2018.

On balance, we take the view that the public interest considerations favouring withholding the information outweigh those in favour of its release.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within 40 working days of the date of this letter by writing to the Department’s FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT’s complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely,

Robert S Fox

Your right to complain to DfT and the Information Commissioner

You have the right to complain within 40 working days of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Environmental Information Regulations 2004

Regulation 12 (4) (d) states:

12. – (4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that-

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data