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Ms Paula Williams  
request-515224-607068cd@whatdotheyknow.com

Our ref: FOI2018/18387  
27 September 2018

Dear Ms Williams

**REQUEST FOR INFORMATION: North East Wildlife (NEWW) later called Wild Ground and the Rhydymwyn Valley Site**

Thank you for your request for information of 30th August about Wild Ground and the Rhydymwyn Valley Site. We have handled your request under 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).

We enclose a copy of the information you requested:

**1. Request for Information relating to the duties of North East Wales Wildlife (NEWW)/Wild Ground**

NEWW, now known as Wild Ground are contracted to manage the site wildlife as per the agreed Environmental Management Plan for 2017-2022. There are two contracts for this organisation's dealings with Defra. One historic contract for NEWW (Redacted Doc 2018\_18387\_01) and the current Wild Ground contract (Redacted Doc 2018\_18387\_02).

The annual contract costs in Doc 2018\_18387\_01 have been redacted as the information is being withheld as it falls under the exception in regulation 12(5)(e) of the EIRs, which relates to data that is considered to be commercial. The total contract cost has however been provided.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning annual contract costs, in order to promote open and transparent government in relation to spending.



On the other hand, there is a strong public interest in withholding the information because the information contains breakdown of prices and commercial mark-ups applied. It is necessary in order to retain the competitiveness of tendering exercises for future site management contracts to ensure that competitors do not improve market position by gaining access to commercially valuable information, and to protect Defra's commercial bargaining position in the context of any negotiations on mark-ups.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

After careful consideration we have decided that the names, roles and contact details of named persons should also be withheld under regulations 12(3) and 13(1) and (2A) of the EIRs as the information constitutes personal data relating to persons other than you. These regulations exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because those persons would not reasonably expect their names, roles and contact details to be disclosed in relation to this request for information.

## **2. Request for Information relating to detailed costs over the last 4 years**

Information relating to detailed costs is being withheld as it falls under the exception in regulation 12(5)(e) of the EIRs, which relates to data that is considered to be commercial. The total annual cost has however been provided in the table below.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning annual contract costs, in order to promote open and transparent government in relation to spending.

On the other hand, there is a strong public interest in withholding the information because the information contains breakdown of prices and commercial mark-ups applied. It is necessary in order to retain the competitiveness of tendering exercises for future site management contracts to ensure that competitors do not improve market position by gaining access to commercially valuable information, and to protect Defra's commercial bargaining position in the context of any negotiations on mark-ups.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

<b>Fiscal Period</b>	<b>Supplier</b>	<b>Work Description</b>	<b>Net Value</b>
2018-19	Wild Ground	061 - Rhydymwyn - Wildlife management services FY 2018/19. Contract won after full	£63,198.07

		tender process.	
2017-18	NEWW	061 - Rhydymwyn - Wildlife management services FY 2017/18 1 year contract extension	£66,434.14
2016-17	NEWW	061 - Rhydymwyn - Wildlife management services FY 2016/17 1 year contract extension	£61,318.23
2015-16	NEWW	061 - Rhydymwyn - Wildlife management services FY 2015/16. Part of the 10 year contract	81,156.90
<b>Additional works</b>			
2017	NEWW	Scrub control works at the RVNR. Additional works on a PO.	£5,154.63
2016-2017	NEWW	Rhydymwyn Valley Nature Reserve-New Management Plan. Additional works on a separate PO.	£2,870.00

### 3. Request for information relating to competitive tenders

Where a request is formulated in too general a manner and could be refused under regulation 12(4)(c), the EIRs allow public authorities to request that applicants provide further particulars and require them, as far as it would be reasonable, to provide advice and assistance to applicants to enable them to describe more clearly the information requested so that the public authority can identify or locate it.

From our preliminary assessment, it is clear that we will not be able to answer your request without further clarification. We therefore require you to provide further information to enable us to identify and locate the information that you have requested. Does your request relate to any competitive tendering exercise run by Defra for Site Management Services at Rhydymwyn or the actual tenders submitted as part of those exercises?

When you have clarified your request, we will be able to begin to process it. Please note that the 20-working-day timescale for responding to your request will commence from the date that we receive the clarification.

### 4. Total Paid by Defra to NEWW/Wild Ground

Data on payments made is only available for the period November 2010 to date. This gives 7 years and 10 months of data.

The total paid to NEWW is £550,139.62 excluding VAT. No payments have yet been made to Wild Ground for the Wildlife management services in FY 2018/19.

### 5. Scope of payments made

NEWW has undertaken duties other than that of the general contract for wildlife management on the Rhydymwyn site and may be considered other site interests, but these were still considered to have been contributing to the wildlife management. These were:

- Scrub control works at the RVNR.

- Writing the Wildlife Management Plan document for the site on behalf of Defra.

The payments made for both of these items are included in the totals provided above.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and 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

**Guy Mawhinney**  
**Information Rights Team**  
[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)

## **Annex A**

### **Copyright**

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

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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 under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Nick Teall, Head of Information Rights, Seacole Building, 2 Marsham Street, London, SW1P 4DF (email: [InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@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, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

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