



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

data.access@justice.gov.uk

21st November 2022

Dear 

Environmental Information Regulation (EIR) Request – **221023008**

Thank you for your request dated 13 September 2022 in which you asked for the following information from the Ministry of Justice (MoJ):

On the 15th June 2022 the Ministry of Justice responded to a petition entitled "Do not build two new prisons at Wethersfield Air Base". I attach an extract from that response which listed a number of ecological and wildlife surveys which have been carried out or were in the process of being carried at Wethersfield Airbase. I have highlighted the relevant paragraph in yellow.

Please can you provide me with a copy of all the surveys listed and any ongoing surveys referred to which have now been concluded. Please could you also provide me with a copy of any studies, surveys, assessments or reports which have been carried out and which relate to any potential contamination at Wethersfield Airbase. Please treat this e-mail as a request under the Freedom of Information Act. I would appreciate your guidance under Section 16 of the FOIA (Advice and Assistance) in relation to this matter.

Your request has been handled under the Environmental Information Regulations 2004 (EIR). The EIR legislation has been used to respond to this request because the information contains environmental considerations when considering sites.

I can confirm that the MoJ holds the information requested. However, the information is exempt from disclosure under regulation 12(5)(e) of the EIR for the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect— (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Regulation 12(5)(e) is a qualified exception which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- Disclosing the information would provide more transparency on the decision making to the public.

- It is acknowledged that this matter is of some public interest, and disclosure of such information would be generally informative and reassuring; the latter in the sense that government are taking relevant factors into consideration

Public interest considerations favouring withholding the information

- This information is commercially sensitive, and release would prejudice the Authority's negotiating position on the project.
- Release would also prejudice the Authority's negotiating position and ability to achieve value for money in future prison builds.
- Release could also prejudice the MoD's ability to achieve value for money should they choose to sell the land to another party.

On balance, I consider the public interest favours withholding the information at this time.

Appeal Rights

If you are not satisfied with this response, you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely
Prison Supply Directorate