

Telephone [REDACTED]  
Website [www.defra.gov.uk](http://www.defra.gov.uk)

Mr Simon Birkett  
[REDACTED]

Our ref: RFI 4174

31 August 2011

Dear Mr Birkett

**REQUEST FOR INFORMATION: CONSULTATION AND IMPACT ASSESSMENT ON DRAFT AIR QUALITY PLANS TO MEET EU LIMIT VALUES FOR NITROGEN DIOXIDE (NO<sub>2</sub>)**

Thank you for your request of 2 August 2011 for information regarding the consultation and impact assessment on the draft air quality plans to meet EU limit values for nitrogen dioxide (NO<sub>2</sub>). You have specifically asked for information covering a) race equality impact assessment, b) consultation of local people affected by exceedences and c) integrated impact assessment and strategic impact assessment. We are handling your requests for recorded information under the Environmental Information Regulations 2004 (EIRs) and the other elements as general correspondence.

We can confirm that an 'integrated' impact assessment and race equality impact assessment have not been carried out and we have no documentation with respect to parts a and part b of your request. This information is therefore not held for EIR purposes and is therefore exempt under regulation 12(4)(a), 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 Commissioner's view, Defra has not conducted a public interest test in this case.

With respect to part c of your request, we are enclosing email correspondence confirming that, having consulted Government guidance, a strategic impact assessment is not needed in relation to the air quality plans for NO<sub>2</sub>. Please note that the names of individuals have been redacted from this document as they fall out of the scope of your request. The information released is protected by copyright (see **Annex A**).



## 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](mailto: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