

XXXXX,  
Via Email: XXXXX@XXXXX

XXXXX  
Department for Transport  
Zone XXX  
Great Minster House  
76 Marsham Street  
LONDON  
SW1P 4DR  
Direct Line: 020 XXXXX  
XXXXX@dft.gsi.gov.uk

Dear XXXXX,

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

**REQUEST FOR INFORMATION – ORDERS OF GRIT** 04 April 2011

Thank you for your email dated 05 February 2011 requesting information regarding road grit, which I assume relates to road de-icing-salt.

My email of 16 February 2011 acknowledged receipt of your request. Your subsequent email of 01 March 2011 sought an update on the likely date of provision of the response to the request. My subsequent email of 07 March 2011 indicated the need for more time to respond and an approximation of that likely period, since information was being sought from the Highways Agency – who indicated the need for more time to compile the information.

Your request, which I can confirm has been considered under the Environmental Information Regulations 2004, asked for the following information:

“I would like to make a FOI request for as much detail as possible for orders of grit during winter 2010-11, and if there is time within the statutory limits, winter 2009-10 and winter 2008-09 too. Please provide me with the dates when orders were placed, what the quantity was that was ordered, what the price was (total and for each unit of measurement - eg tonne), what the name of the company or body was that the grit was ordered from and what the place of origin was (both country and, if possible, town/city)”

As you may know, local roads, making up around 98% of the road network, are the responsibility of the relevant local highway authority. In relation to snow, a local authority's duty under Section 41 of the Highways Act 1980 includes the requirement “to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice”. Central Government has no powers to intervene in these matters in relation to local authority roads and winter service planning and the ordering of road de-icing stock supplies are the responsibility of the respective highway authorities. It is entirely the responsibility of those authorities to make decisions about which products and supplier to use in order to undertake their duties in their geographic area of responsibility. As such, they arrange the procurement of de-icing salt and other similar materials. Therefore the information you have requested is not held by the Department for Transport.

In respect of the Highways Agency, which is an Executive Agency of the Department for Transport (DfT), and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport., the information you have requested has been supplied and is summarised in the attached table - showing the salt order information from the Highways Agency's service providers. The Highways Agency does not procure salt directly but through their service provider contracts. For example the national strategic salt that the Secretary of State requested the Agency to procure following recommendations arising from an independent winter resilience review

undertaken by David Quarmby was procured in this manner. The data is grouped into the different geographical management areas.

I can confirm that we are withholding the information relating to road salt costs under Regulation 12(5) (e) of the Environmental Information Regulations 2004 as these are deemed to be commercially confidential. If disclosed this could possibly prejudice the Highways Agency and their service providers in the future being able to negotiate reasonable rates. A copy of the Public Interest Test which confirms that withholding the information outweighs the public interest in disclosing is attached at **Annex A** to this letter.

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 Information Rights Unit 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 see attached at **Annex B** details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter please contact XXXXX in our press office on 020 XXXXX. Please remember to quote the reference number above in any future communications.

I hope this is helpful.

Yours sincerely,  
XXXXX

**XXXXX**  
**LCPD Division**  
**Department for Transport**

<b>Exemption</b>
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**Annex A**

**ORDERS FOR GRIT - REQUEST FOR INFORMATION - E0007345**  
**Public Interest Test**

Regulation 12(5)(e) - Commercial Confidentiality

**In favour of disclosure**

- That there is transparency in the accountability of public funds;
- To show that public money is being used effectively

**Against disclosure**

- Disclosing information could possibly prejudice the commercial interests of the Highways Agency when procuring services relating to Winter Service.
- Disclosure to a third party could prejudice the commercial interests of the Agency by affecting adversely its bargaining position during negotiations with external contractors which would result in the less effective use of public funds, as the costs for elements could increase if information was released into the public domain.
- Disclosure of the information could prejudice the commerciality of the different domestic salt suppliers, who have negotiated individual rates with various contractors in a highly competitive private marketplace.
- Disclosure of the information could damage the Highways Agency's reputation by releasing information that it does not directly hold, (but has collated from its supply chain to respond to this EIR Request) which may commercially relate to other contracts the contractor may have with activities not related to the Highways Agency.

**Reason why Public Interest favours withholding information**

There is a public interest in releasing general information held regarding the central response to the recent severe winters. However, the information sought in this case relates directly to an area of commercial activity involving the contractors to the Highways Agency. If Ministers decided to approve releasing the different costs paid to the different contractors (Service Providers) this would likely prejudice the commercial interests of those contractors and increase the likelihood of the costs to the Highways Agency increasing further in the future. In addition, the release of individual commercial rates that have been negotiated between private contractors and salt suppliers, could impact on the commerciality of those companies whose rates are published, potentially providing other competing suppliers an unfair commercial advantage. On this basis, it is in the public interest to withhold this document under Regulation 12(5) (e) of the Environmental Information Regulations 2004.

## **Annex B**

### **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months 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 FOI 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