

Information Further to Ministerial Answers

**Information further to OAQ21296 issued by Edwina Hart, the Finance Minister,
on 22 January 2003**

To all Assembly Members:

During finance questions on 18 December 2002, Elin Jones AM raised with me an issue regarding commercial confidentiality within signed private finance initiative contracts. At the time, I gave an undertaking to review existing guidance and to revert to Members in the new year.

There is a very strong argument for the withholding of commercially sensitive information during the negotiation period of any contract. While papers relating to the project in general may be released under the Assembly's Code of Practice on Public Access to Information, the release of more specific financial information has potential to jeopardise negotiations and potentially, at significant cost, derail the project.

This argument is weakened following contract signature and I believe that there is an opportunity to disclose more detail in the form of the final business case.

The final business cases of PFI schemes are the responsibility of the contracting authority. One of the fundamental principles of the code of practice is that information that is the responsibility of another organisation should be sought from that body. Full business cases on large schemes financially supported by the Assembly should be available within three months of final contract signature and contain details of the options considered and the wider rationale for the use of PFI including the application of the public sector comparator. Some elements of the FBC will remain confidential and the final contracts will not be available.

Assembly Government officials will contact the sponsoring bodies to encourage them to make existing full business cases easily accessible and to ensure that all future full business cases are available within a reasonable timescale.

Information further to the Plenary Statement on Sand and Gravel Supply in South-east Wales, issued by Sue Essex, the Minister for Environment on 31 January 2003

To All Assembly Members:

It has been drawn to my attention that, in answering questions that arose from my statement on sand and gravel position paper, there were two points made that are incorrect or could cause misunderstanding. I therefore wish to ensure that the Plenary record is accurate and that the policy is not misunderstood.

I made a factual error in my reference to the height of the crest level at the east end of Nash bank. The Plenary record states that the crest of this sandbank is being reduced. This is not the case. Monitoring shows that the crest level at the east end of Nash bank is not reducing.

In addition, I said that there is a presumption against land-based extraction. This is not the case. What I should have said was that safeguarding the resources does not necessarily imply that they should be extracted. The acceptability of any extraction proposal would need to be carefully considered on its merits, in the light of the need for the material, the current circumstances at that time and the information then available. I did say that we intend to work with the local authorities to ensure that unitary development plans are worded appropriately. As I said in the position statement, the use of marine-dredged sand and gravel is likely to

continue to meet the demand for the foreseeable future where this remains consistent with the principles of sustainable development.

I wish to clarify that where there appears to be any inconsistency between the content of the statement and anything in my replies to questions, the statement should take precedence.