

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 16 August 2023

Public Authority: The Crown Estate
Address: 1 St James Market
London
SW1Y 4AH

Decision (including any steps ordered)

1. The complainant has requested The Crown Estate (TCE) to disclose all correspondence and communications between the King and TCE relating to wind farms/wind projects off the coast of the UK. TCE disclosed the recorded information it holds, with a small amount of information redacted under regulation 13 of the EIR.
2. The complainant made no complaint about regulation 13 of the EIR but felt TCE must hold further recorded information than it had already provided.
3. The Commissioner's decision is that on the balance of probabilities TCE does not hold any further recorded information. The Commissioner is satisfied that TCE has complied with its obligations under regulation 5 of the EIR and therefore do not require any further action to be taken.

Request and response

4. On, 23 January 2023, the complainant requested TCE to provide the following information:

"I would like to request the following information via the Environmental Information Regulations

Please note that the reference to written correspondence and communications in the questions below should include all traditional forms of correspondence and communications including letters and memos, all emails irrespective of whether they were sent and or received via private and or official accounts, all telephone texts, all G-mail messages and all messages sent through encrypted messaging services including but not limited to WhatsApp.

Please note that I want to receive actual copies of correspondence and communications rather than just excerpts from that correspondence and communication. In the case of any letters, I would like to receive the letter heads, signatures and any other design features. In the case of emails and other messages I would like to see the original paragraph and sentence structure as well as the time and date sent. If you must redact any information in the correspondence and communication, can you redact it where and when it appears in the correspondence and communication than I will be able to judge the extent and location of any redaction.

Please note that my reference to His Majesty King Charles III in the questions below should include the King himself and the King himself when he was Prince of Wales and or Duke of Cornwall. It should also include anyone who is currently able to correspond and communicate on behalf of the King and anyone who was able to correspond and communicate on behalf of the King when he was Prince of Wales and or Duke of Cornwall. These individuals include Principal Private Secretary (ies), his Assistant Private Secretary (ies), any other private secretary (ies). It should also include those members of the Royal Household with responsibility for issues relating to the sovereign grant.

Please note that I am only interested in information, which was generated between 1 July 2022 to the present date

Please note that the reference to The Crown Estate in the questions below should refer to the organisation's Chair and or Chief Executive (whether acting together and or individually) and or any Crown Estate representative and employee known to have been in contact and communication with the King and the royal household about off shore windfarms.

Please note that my request for information has been inspired by a Crown Estate press release which was issued on 19 January 2023 and which was headed: 'The Crown Estate seals landmark agreements for offshore wind energy to power seven million homes.' I have used the term 'wind projects' as well as the term 'wind farms' in the questions below, because the term 'wind projects' appears in the press release.

Please note that the reference to The Crown Estate signing particular licencing agreements [sic] in some of the questions below relates to each and or all of the six offshore wind farm and wind projects referenced in that press release.

1....During the aforementioned period did His Majesty King Charles III (whether as King and or as Prince of Wales and or as Duke of Cornwall) write to and or communicate with The Crown Estate about any and or all of the following points listed below. Please note that I am interested in all correspondence and communication which highlights or which in any way relates to...

(a)....The positioning of wind farms/wind projects off the coast of the UK. This should include all wind farms and 'wind projects' not just those mentioned in the aforementioned press release about the licensing agreements. It should include offshore wind farms and 'wind projects' already in place, offshore wind farms and 'wind projects; which have been approved but which are not in place and offshore wind farms and 'wind projects' which have been proposed but which have not been approved.

(b)...The environmental benefits of offshore wind farms and other off shore wind projects and or the role offshore wind farms and offshore wind projects can play in the fight against climate change. This should include all offshore wind farms and wind projects not just those mentioned in the press release about licensing agreements.

(c)....Any and or all of the six individual offshore wind farms and wind projects mentioned in the aforementioned Crown Estate press release.

(d)....The Crown Estate's licence agreements for each and or all of the six new windfarms and wind projects off the coast of North Wales, Cumbria and Lancashire Coast, Yorkshire and Lincolnshire. This correspondence and communication could have occurred prior to The Crown Estate signing a deal with the relevant companies. Alternatively the correspondence and communication could have occurred while negotiations were still on going. The correspondence and communication could have post-dated the announcement of any deal.

(e)...The revenues to be generated by the aforementioned licensing agreements and or the implications of these revenues for future sovereign grant payments.

(f)...The idea that the royal family and or the royal household would be entitled to a so called wind farm windfall as a result of the licensing agreements. This wind farm windfall was publicly highlighted by Buckingham Palace on 19 January 2023.

(g)...The idea that the any proceeds emanating from the deal should not go to the sovereign grant and should be redirected towards the public good.

If the answer to any part of question one is yes can you please provide copies of this correspondence and communication.

2....During the aforementioned period did The Crown Estate write to and or communicate with King Charles III (wether as King and or as Prince of Wales and or as Duke of Cornwall) about any of the points listed in question one (a to g). If the answer to any part of this question is yes can you please provide a copy of this correspondence and communication.”

5. TCE responded on 20 February 2023. It disclosed the recorded information it holds, with the exception of one email address, which it considered is exempt under regulation 13 of the EIR.
6. The complainant requested an internal review on 13 April 2023. They stated that they felt it was likely TCE holds more information of relevance to their request. They stated that the correspondence disclosed was one sided and did not include any correspondence and communication from the King or his private office.
7. TCE carried out an internal review and notified the complainant of its findings on 15 May 2023. It confirmed that it does not hold any further recorded information.

Scope of the case

8. The complainant contacted the Commissioner on 19 May 2023 to complain about the way their request for information had been handled.
9. No complaint was made at the internal review stage or on submission of the complaint to the Commissioner in relation to the application of regulation 13 of the EIR to one email.
10. The Commissioner therefore considers the scope of his investigation to be to determine whether or not, on the balance of probabilities, TCE holds any further recorded information to that already disclosed.

Reasons for decision

Regulation 5(1) duty to make environmental information available on request

11. Under regulation 5(1) of the EIR, a public authority must make environmental information available on request if it holds the information and it is not subject to an exception.
12. Where there is a dispute between a public authority and a complainant as to whether all requested information falling within the scope of a request has been provided to the complainant, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of the balance of probabilities.
13. TCE confirmed that it asked a number of senior staff from areas that would have been aware of the communications covered by the request, had they existed. It received nil returns from the Deputy Ranger and Managing Director of Windsor and Rural; the Group Financial Controller, Finance; and the Head of Assets and Operations, Marine, who further liaised with the Managing Director of Marine. It then contacted the Head of External Affairs and Policy, who advised that they held no relevant information. The Head of Communications also confirmed that they held no information.
14. TCE advised that it also checked with two Senior Legal Counsel in the Legal Team, who had portfolio responsibility for Marine and Royal matters, as often their work means that they will have oversight of issues such as those mentioned in the complainant's request, in case they could either provide information or signpost it to a relevant business area. It confirmed that they were not aware of any information held falling in the scope of the request.
15. TCE sought advice from the Chief Executive's Office and a small number of emails were located as of potential relevance to the request. It stated that some of this information was not in scope because it either did not comprise of communications to/on behalf of the King or they did not relate to the six specific issues mentioned in the complainant's request. In its response to the complainant it disclosed all that it holds, with only a small amount of personal data redacted under regulation 13 of the EIR (which has not been contested and is not the focus of their complaint to the Commissioner).
16. TCE commented that it does not know why no correspondence was received from the King; it said this explanation is not known or

available. It focussed on carrying out adequate and thorough searches of any relevant records to establish what recorded information is held.

17. As a result of the Commissioner's investigation, TCE liaised further with individuals in the following business areas who have all checked their records:
 - Group Financial Controller, Finance;
 - Head of Assets and Operations, Marine;
 - Head of Communications;
 - Head of External Affairs and Policy;
 - Two Senior Legal Counsel with responsibility for Royal and Marine issues respectively;
 - Group Head of Legal and Company Secretary;
 - Deputy Ranger and Managing Director of Windsor and Rural.
18. It said that all these individuals confirmed that no records are held within their business areas that are in the scope of the request. It commented further that if information was held of this nature, it would be handled either by the Communications Team or by the Chief Executive's Office directly. The Communications Team had not had any direct communication with the King or individuals described by the complainant as being able to 'correspond and communicate on behalf of the King' or having 'responsibility for issues relating to the Sovereign Grant' in relation to these matters, only with the Press Team, and reconfirmed this as part of its additional enquiries.
19. It confirmed that the area where information had been located was the Chief Executive's Office. It was asked again to review its records to ensure that all recorded information had been identified. It did and confirmed that no additional information is held.
20. In conclusion, TCE said that it is unable to explain why no correspondence or communication was received in return from the King or His Private Office. But it is certain, having carried out thorough and detailed searches of all relevant business areas, that no additional recorded information is held. It is therefore satisfied that it has fully complied with the requirements of the EIR.
21. The Commissioner is satisfied that on the balance of probabilities no further recorded information is held. TCE has confirmed that it does not know why no correspondence from the King is held but it is certain, from

the extensive enquiries it has made and searches it has carried out that no further recorded information is held to that already provided. It has explained where this information would be held, if indeed it was and where it did locate the recorded information it disclosed. As a result of the Commissioner's investigation it also carried out fresh enquiries and searches to ensure that nothing was missed.

22. The Commissioner has no reason to doubt TCE's position and has received no evidence to the contrary. He understands the complainant's position but it is beyond the Commissioner's remit to consider whether information should be held. He can only consider what is held.
23. As he is satisfied that on the balance of probabilities all recorded information that is held has been disclosed, the Commissioner has concluded that TCE has met its obligations under the EIR for this request.

Right of appeal

24. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

25. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Samantha Coward
Senior Case Officer
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