



Castle Environmental

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Confidentiality claim – Permit variation LP3439HM/V005

Document Reference: LP3439HM/V005/CCclaim

Castle would like to make a claim for confidentiality with regard to the information provided as part of this permit variation application. This claim is intended to apply to the details provided within the Non-Technical Summary – document ref. LP3439HM/V005/NTS/01, the revised Method Statement document, reference 2.3.2.17 - APCr Treatment Process version 3.0 and Power Estimate Document LP3439HM/V005/PWR. Redacted versions of these documents are provided within the application pack.

The claim is made upon the basis that these documents contain information is both commercial and industrial in nature, the information is currently subject to legal protection within the law and that a disclosure of this information would damage the legitimate economic interests of Castle Waste Services. The information provided within these documents will be subject to a patent application. Once this has been made the information can be made public.

This document is written with reference to regulation 12(5)(e) of the Freedom of Information and Environmental Information Regulations and makes use of guidance provided by the Information Commissioner's Office (ICO)¹.

On the basis of the above regulation, it is important to first confirm that the information this claim relates to is industrial, in this case it is on the basis that it provides specific information on the methodology applied to treat Air Pollution Control residues using carbon dioxide within an industrial process. The information is provided for regulatory purposes and is therefore provided for a commercial purpose – applying to vary an Environmental Permit.

The methodology described is a novel technique which Castle will be applying to patent and provide intellectual property protection over. The combination of techniques is unique and not in place elsewhere.

The information provided is considered to have commercial protection by law in that it is not within the public domain, where it has been shared with external third parties it has been done so under a NDA and it will be subject to a patent application.

It is considered that the claim for commercial confidence should be accepted as it is clear that disclosure of the information would damage a legitimate economic interest. As stated above, Castle have developed a novel approach the mineralisation of carbon dioxide within Air Pollution Control residues (APCr). This is a competitive market and Castle believe that the method developed gives them a commercial advantage above others within the market place. Furthermore, Castle are seeking to apply for a patent to protect the intellectual property they have developed. One of the key tests in whether a patent can be granted is determining if the information is within the public domain. Clearly if the details of the process were placed on the public register they would be considered to be within the public domain and hence this would prevent Castle from pursuing a patent application.

¹ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/regulation-12-5-e-commercial-or-industrial-information/>

Castle Environmental is the trading name of Castle Waste Services Ltd
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