

Subject: Re: CL368822RI- Freedom of Information (FOI) and Environmental Information Regulations (EIR)
Date: Sunday, 22 September 2024 at 13:01:05 British Summer Time
From: CB Info
To: CMBLNC Info Requests

Hi,

I'm not sure if you are able to, but would you be able to allow access again to all the share links we've been sent please?

Many Thanks

Mat

On 16/08/2024 09:10, CMBLNC Info Requests wrote:

Dear Mat,

Thank you for your enquiry received on 18th of July 2024.

We respond under the Freedom of Information Act 2000 and Environment Information Regulations 2004.

1. ***all EA Permit Monitoring for Angus Fire and the correspondence***

Please find information enclosed within the following Sharefile link.

<https://ea.sharefile.com/public/share/web-s8ae46963952242cb85c3743162da5508>

This link expires in 30 days. Please download and save data immediately on receipt

2. ***all reports and interpretations from Ramboll UK Ltd with regards to Angus Fire 2012-2024***

We are unable to provide these reports or comment further at this time. EIR Regulation 12(5)(b) applies because disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature, specifically with this information. The appendix to this email sets out what exceptions from disclosure we have used for withholding this information. It also sets out the public interest test for both withholding and disclosing the information.

3. ***If the first request does not cover the following, all Air1, Sewer1, Energy1 and Performance1 reports from Angus Fire to the EA and any correspondence concerning any of these reports.***

Please find information enclosed within the following Sharefile link.

<https://ea.sharefile.com/public/share/web-s8ae46963952242cb85c3743162da5508>

This link expires in 30 days. Please download and save data immediately on receipt

4. ***any risk assessments concerning Angus Fire 2012 until 2024.***

Please find information enclosed within the following Sharefile link.

<https://ea.sharefile.com/public/share/web-s8ae46963952242cb85c3743162da5508>

This link expires in 30 days. Please download and save data immediately on receipt

5. any permit variations regarding Angus Fire 2012 until 2024

Please see attached

6. any Habitat Variations regarding Angus Fire 2012 - 2024.

Please see attached

7. any schedule 5 notifications regarding Angus Fire 2012 - 2024.

Please find information enclosed within the following Sharefile link.

<https://ea.sharefile.com/public/share/web-s8ae46963952242cb85c3743162da5508>

This link expires in 30 days. Please download and save data immediately on receipt

Please refer to [Open Government Licence](#) which explains the permitted use of this information.

Please get in touch if you have any further queries or contact us within two months if you'd like us to review the information we have sent.

Kind regards.

Rosie Irlam

Customer Engagement officer
Cumbria and Lancashire

Appendix

Relevant exceptions:

The exceptions that apply to the withheld information are:

We are unable to disclose some information you have requested as it is about other people and is personal data under the Data Protection Act 2018 (DPA 2018) and to disclose it would breach the First Data Protection Principle of the DPA 2018. The information requested is therefore exempt due to Regulation 13(1) of the Environmental Information Regulations 2004, which explains that:

"To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if—

(a) the first condition is satisfied..."

The 'first condition' referred to above is further explained in Regulation 13(2)(a):

"The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations—

(a) would contravene any of the data protection principles..."

We would breach the data protection principles relating to 'lawfulness, fairness and transparency' and 'integrity and confidentiality' if we sent the information to you as it contains personal, confidential information about another person.

- EIR Regulation 12(5)(b) applies because disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature. Specifically, this information relates to a current investigation.

The Public Interest Test

We have weighed the public interest factors in favour of maintaining the exceptions and find that they outweigh the public interest factors in disclosing the information. In carrying out the public interest test we have considered:

1. Factors in favour of releasing the information:

As a public body we must promote a general need for accountability and transparency. We would only withhold information if we are sure that disclosure would cause substantial harm.

There is clearly a high level of public participation in the regulation of Angus Fire. People need to feel confident in the effective running of the public sector and that we are making the most appropriate decisions in relation to our regulatory activities and incident response.

2. Factors in favour of withholding the information:

‘Strength’ (and number) of grounds in the legislation:

The information we are withholding relates to our current investigation related to the incident. While an investigation is ongoing, releasing the information would prejudice our ability to investigate the matter and reach decisions, as covered by EIR Regulation 12(5) (b).

There is strong public interest in ensuring that we can carry out our investigation without prejudice. If any enforcement action we may take involved prosecution, any criminal court proceedings could be forced to stop if defendants argued that releasing information was an abuse of process that made it impossible for them to have a fair trial.

If a prosecution, or other enforcement action, was prejudiced this would harm the effective running of the Environment Agency and our ability to carry out our statutory duties.

Conclusion

We find that the public interest factors in favour of withholding the information you have requested outweigh the public interest factors in disclosing the information. We have reached this decision after applying the statutory presumption in favour of disclosure contained in the EIR.

From: CMBLNC Info Requests <Inforequests.cmblnc@environment-agency.gov.uk

>Sent: Thursday, July 18, 2024, 14:03 PM

To: info@cleaner-bentham.co.uk <info@cleaner-bentham.co.uk

Subject: Freedom of Information (FOI) and Environmental Information Regulations (EIR)

Hi Mat,

Thank you for contacting the Environment Agency. We have logged the below as a new request.

As your request for information falls under either the Freedom of Information Act or Environmental Information Regulations we must respond to you within 20 working days.

Your request has now been sent to the relevant team.

In the meantime you may wish to look at www.data.gov.uk to see if the data you have requested is available for you online.

For further information on what you can expect from us and our full service commitment to you, please click this link;
<https://www.gov.uk/government/publications/environment-agency-customer-service-commitment>

If you need to contact me in the meantime, please do not hesitate to do so using the details below and quoting reference number CL368822RI

Kind regards,

Rosie

Customer and Engagement Officer
Cumbria and Lancashire

-----Original Message-----

From: info@cleaner-bentham.co.uk <info@cleaner-bentham.co.uk>

Sent: Wednesday, July 17, 2024 7:50 PM

To: CMBLNC Info Requests <Inforequests.cmbllnc@environment-agency.gov.uk>

Subject: Freedom of Information (FOI) and Environmental Information Regulations (EIR)

[You don't often get email from info@cleaner-bentham.co.uk. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi Rosie,

Apologies for that. Please accept this as the actual request

Dear Rosie,

Please can the EA provide all EA Permit Monitoring for Angus Fire and the correspondence?

Can you also provide all reports and interpretations from Ramboll UK Ltd with regards to Angus Fire 2012-2024?

If the first request does not cover the following, please provide all Air1, Sewer1, Energy1 and Performance1 reports from Angus Fire to the EA and any correspondence concerning any of these reports.

Please provide any risk assessments concerning Angus Fire 2012 until 2024.

Please provide any permit variations regarding Angus Fire 2012 until 2024

Please Provide any Habitat Variations regarding Angus Fire 2012 - 2024.

Please provide any schedule 5 notifications regarding Angus Fire 2012 - 2024.

Please could the EA respond as to why the department hasn't classified Angus Fire Ltd as a Special Site under the EPA 1990 Part 2a?

I appreciate your department's time on this matter.

yours sincerely,

Mat MacEley-Young
Cleaner Bentham Group

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.