

**Freedom of Information Act 2000 (Section 50)**  
***Environmental Information Regulations 2004***

**Decision Notice**

**Date: 31 March 2010**

**Public Authority:** London Borough of Greenwich  
**Address:** Town Hall  
Woolwich  
London  
SE18 6PW

**Summary**

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The complainant requested a copy of the options appraisal carried out by Greenwich Council ("the Council") in its consideration of Hervey Road Sports Field as a potential site for the redevelopment of Willow Dene School. The Council initially claimed that the information was exempt under section 22 of the Act. In the event the information fell within Environmental Information Regulations (EIR), the public authority advised that regulation 12(4)(e) (internal communications) applied. The Commissioner is satisfied that the information requested is environmental information and should be considered under the EIR. The Commissioner found that under the EIR the exception at regulation 12(4)(e) was engaged in relation to the information withheld but the public interest in maintaining the exception did not outweigh the public interest in disclosure. The Commissioner orders Greenwich Council to disclose the information withheld under 12(4)(e).

**The Commissioner's Role**

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1. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

## Background

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2. Willow Dene School is a special school for children of primary school age who have profound physical and learning disabilities.
3. Willow Dene School is presently located close to Shooter Hill, and according to the public authority, on a site which due to its gradient is difficult for its pupil population.
4. The public authority for a number of years has been considering various locations as possible sites for the relocation of Willow Dene School.

## The Request

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5. The complainant on 6 June 2007 submitted the following request to Greenwich Council:

*"I am writing to you to formally request under the Freedom of Information Act, a copy of the Options Appraisal carried out by council officers, on the basis of which they have chosen Hervey Road Sports Field as the preferred option to redevelop Willow Dene School*

*This is an important document of great public interest as there has been no local consultation on this at all. Local people find it inexplicable that an Olympic host borough should consider abolishing one of its few remaining council owned outdoor playing fields which has been used for sports for 130 years".*

6. The public authority acknowledged the request on 23 July 2007, and advised that the site appraisal is not a public document and that it is exempt from disclosure under section 22 of the Act.
7. The complainant requested a review of the decision in a letter dated 20 July 2007. On 29 August 2007 the result of the review was sent to the complainant, the outcome of which was to uphold the original decision.
8. The complainant requested a stage 3 review in their letter of 19 October 2007. On 3 December 2007 the result of the review was notified to the complainant, the outcome again was to uphold the original decision.

## The Investigation

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### Scope of the case

9. On 15 January 2008 the complainant contacted the Commissioner to complain about the way their request for information had been handled. The complainant contested the public authority's reliance on section 22 and their public interest arguments for the withholding of the requested information.

### Chronology

10. On 9 December 2008 the Commissioner wrote to Greenwich Council to point out the shortcomings of applying section 22 where there was no set date for publication. He asked that Greenwich Council reconsider its position.
11. Greenwich Council responded to the Commissioner on 16 January 2009. It stated that as it was not possible to indicate a proposed timetable, it was not appropriate to rely on section 22. The Council however felt that the option report was still exempt from release and invoked section 36. The Council provided a copy of their reasoning for invoking section 36 signed by a "Qualified Person".
12. Greenwich Council provided the Commissioner with a copy of the site options appraisal report on 16 January 2009.
13. On the same day Greenwich Council also provided other material which the Commissioner considered outside the scope of the request, as it related to matters subsequent to the date the request was submitted.
14. On 17 June 2009 the Commissioner sought an update from the Council. It responded on 2 July 2009 and stated that the Council were still exploring different options. It further stated that once the new Options Appraisal is completed and reports prepared for Members' consideration, the previous options appraisal may be subject to disclosure under the Act.
15. The Commissioner wrote again to Greenwich Council on 26 November 2009. He further advised that the request should have been considered under the Environmental Information Regulations (EIR) and that there was a presumption in favour of disclosure and that the public interest test applied to the all the exceptions listed under Regulation 12.

16. Greenwich Council responded on 5 February 2010 to state that it was withholding the information under Regulation 12(4)(e) and that the public interest in maintaining the exception outweighed the public interest in disclosing the information.

## Analysis

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### Is the information environmental?

17. Environmental information is defined in regulation 2(1)(c) of the EIR as including *`measures (including administrative measures), such as policies,... plans... and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements`* (statutory provisions relevant to the complaint are set out in full in the Legal Annex to this Decision Notice). The Commissioner recognises that the regulation covers information on measures rather than the information itself being a measure. The site options appraisal report can be considered as information on the plan to move the school rather than being itself an administrative process to affect the environment. It can be considered as information on a relevant measure, in this case the proposal to move the school to a new location, which is likely to affect the elements of the environment. The site options appraisal report is an administrative process that is likely, if the school is eventually to be relocated, to affect the factors in (a) and (b) such as air, atmosphere, land, landscape and noise. In this case the building of a school on an existing sports field that is publically owned will have a direct effect on the landscape of the area around the building. The Commissioner considers that the information requested falls within the broad definition in regulation 2(1)(c) and that Greenwich Council were incorrect in initially considering the request under the Act. The Council did however, after guidance from the Commissioner, consider the request under the EIR.

### Exception 12(4)(e) 'Internal Communications'

18. Regulation 12(1) states that a public authority may refuse to disclose environmental information if (a) an exception to disclosure under (4) or (5) applies; and (b) in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. 12(4)(e) states that a public authority may refuse to disclose information to the extent that the request involves the disclosure of internal communications.

19. The Commissioner's interpretation of 12(4)(e) is that communications within one public authority will constitute internal communications for the purpose of this regulation. The definition of a communication is broad and will encompass any information intended to be communicated to others or to be placed on file where it may be consulted by others.
20. The withheld information in this case consists of a site option appraisal carried out by Council Officers in relation to a new site for Willow Dene School. In this instance the report would be placed on file and consulted by Council Officers in due course. Communications within any single public authority will be internal for the purposes of regulation 12(4)(e). The Commissioner therefore accepts that the Site Options Appraisal report is an internal communication for the purposes of EIR and therefore Regulation 12(4)(e) is engaged.

### **Public interest arguments in favour of disclosing the requested information**

21. As the Commissioner has found that regulation 12(4)(e) is engaged he must therefore consider, in line with 12(1)(b), if in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Commissioner notes that regulation 12(2) states that a public authority shall apply a presumption in favour of disclosure.
22. The Council acknowledged that disclosure of the requested information would contribute to open policy making and explain why the Council favours a particular site over others and to contribute to the public understanding of the matters members have to take into account when choosing the most appropriate site for the new school.
23. The complainant has stated that: *"the local residents believe that, despite denials by the Council, the decision to relocate the School to the sports field has in principle been made (perhaps some years ago) and that the decision has been taken without proper local consultation with local residents, and has been based on this site option appraisal document, which we are not allowed to see".* It went on to say that *"local residents have a right to know why Hervey Road Sports Field is preferred above other sites. We believe that the public interest will be best served by disclosing the full document now".*
24. The Commissioner acknowledges that disclosure of the environmental information in question would provide further information about the potential development of land currently used by the local community for community and leisure purposes. Arguments in favour of

disclosure are supported by the aims of public participation in environmental decision making that underpin the European Directive and Aarhus Convention, from which the EIR are derived.

### **Public interest arguments in favour of maintaining the exception**

25. The Council have argued that there is an *"overriding public interest in the need for officers and Members to have complete information in relation to all options and for them to be able to think through the implications of the options. Officers and Members need to be able to undertake rigorous and candid assessments of those options without being inhibited by their judgements being made in public. Premature disclosures of what are, in essence, preliminary and incomplete views and thoughts may result in better options/outputs being closed off because of adverse public reaction"*.
26. The Council has acknowledged that officers have suggested Hervey Road as a potential location as the site has many of the characteristics required for the establishment of a special school. However, whilst the views of these officers would be taken in to account by members, the Council have stated that the selection of the site will be made by the Cabinet and premature publication of the site options would impair the proper consideration of the issue and not be in the public interest.
27. The complainant has suggested that the Council has already disclosed an indication that Hervey Road is the chosen site for the new Willow Dene School in various council publications. The complainant provided a copy of the Greenwich Annual Property Report to Schools 2005/06 that outlines information about completed projects and future schemes planned by Greenwich Council. The report on page 4 shows elevations (side view) drawings of Willow Dene School facing Hervey Road and Begbies Road and gives the date for completion as September 2008.
28. The complainant also highlighted another Council publication: Fit for Sport-Draft sports strategy 2005-2009. Whilst it was only a draft strategy, it did set out a vision for Sport in Greenwich over the five years. The report mentions on page 33, with regards to Hervey Road, the rehabilitation of sports pavilion and provision of new artificial playing surface linked to the Willow Dene School scheme.
29. Reference has also been made to a letter from the Council which, in the complainant's opinion gives weight to the fact that the Hervey Road site had already been chosen as the new site for the school. The letter is from the Leader of the Council, Councillor [redacted], and dated 12 April 2007 which states that *"Council Officers' examination of alternative locations does suggest a preference for Hervey Road"*.

30. The complainant has stated that it was common knowledge within Willow Dene School that they would move to Hervey Road. It pointed out that the spring issue of its 2007 Newsletter reads:

"NEW BUILD UPDATE

*There has been lots of activity around the new build and we have now set up a Project Group who will meet monthly to focus on this development. Some of you may have read about the campaign against building on the **site** in the local press..."*

31. The Council have stated that the drawings in the Greenwich Property Report to schools was for illustrative purposes only and should not be regarded as being more than that.
32. The Council went on to say that the site options document provided an appraisal of the various sites and not just to the Hervey Road site and the fact that people have referred to the Hervey Road site would not *"impair the Cabinet from making a decision at some future point"*.
33. The Council have stated that it is their policy that when a decision is needed, at a time still to be decided, a current report would be produced that deals with the options and form the basis on which the members would make their decision. The Council have stated that they have not arrived at this stage. They further point out that Council officers consider that they still need to be able to debate matters in private in order to arrive at the best possible options and that public disclosure would inhibit this debate.
34. The Council has stated that no formal decision has been made with regards to the Site Option Appraisal. It stated that if a decision had been made then a Cabinet or Cabinet Committee report and decision would have been drafted. The Council argue that it must be able to explore options that involve the consideration of complex matters such as future education needs in the Borough, use of land, options for buildings and funding arrangements. It is the Council's view that the future of the site under consideration would be sensitive and that it must be able to debate matters in confidence to explore all options before priorities can be agreed. To emphasise the complexity of the process of choosing the site option, the Council have stated that it is not unusual for some land/property matters to take many years to resolve.
35. The Council has stated that additional sites not included in the original Site Option Appraisal report are being looked at. The Council have not



been able to say whether the existing Site Option Appraisal report would be redrafted and re-evaluated once the new sites have been appraised. It argue that premature disclosure of what are, in essence, preliminary and incomplete views and thoughts may result in better options/outputs being closed off because of adverse public reaction.

36. The position in terms of disclosure impacting on the Council's decision making space is therefore a complex one. The Commissioner acknowledges that a final decision has not yet been made by Cabinet but that this position is undermined to some extent by publicly available information indicating a strong preference for the Harvey Road site.

### **Balance of the public interest arguments**

37. The Commissioner notes that the Council, in a number of their own publications, has identified one of the potential site options. In fact, in the Greenwich Annual Property Report to Schools 2005/06 shows elevations of the Willow Dene School facing Hervey Road. Whilst the Council has said that these drawings were for illustrative purposes only, it nevertheless had the effect of giving the impression to the public that a site had already been chosen. This view would have been reinforced by comments made by the Council that that there was a "preference for Hervey Road" as the site of the new school. Whilst there is a clear need to look at all options without the added pressure from the public that would inevitably result from the premature release of the Site Option Appraisal report, it has contributed to the perception of disclosure of the location of a potential site for the school in prior pronouncements. Local debate appears to be centred not on where the location might be, but how the decision was arrived at. The Commissioner finds that these circumstances create a significant public interest in disclosure.
38. The Commissioner considers that there is a strong public interest in disclosing the information which would inform public participation and debate around an issue of which there is considerable concern and anxiety. There is a clear need to look at all options for the possible site of the new school and the release of the Site Option Appraisal document would assist the local community in understanding the analysis that had been undertaken and how this relates to the Harvey Road site, a site the Council has indicated a preference for.
39. The withheld information details alternate sites for the new school. The Commissioner believes that disclosure of the information would enable a more informed public debate to take place and allow the public to contribute more fully to the consideration being undertaken prior to



any formal decisions being made and potentially strengthen the confidence in the procedures in place to identify the key factors that have influenced the proposals.

40. The Council has argued that it is entitled to “safe space” whilst considering its options. “Safe space” arguments are about the need for a “safe space” to formulate policy, debate “live” issues, and reach decisions without being hindered by external comment and/or media involvement. The Commissioner recognises that this is a valid argument if the matter being debated is live which it clearly is in this case. The Commissioner recognises that the Council must be given a reasonable amount of thinking space in which to consider all the options put before them while determining the best approach to take a particular issue. The Commissioner also recognises that disclosing assessments of this type, in certain circumstances, may result in adverse reactions from the public which may in turn inhibit the free and frank exchange of views. This could then result in better options not being considered because of the adverse reaction generated by their premature disclosure.
41. The Commissioner is mindful that the Council consider that a Cabinet or Cabinet Committee report and decision would still have to be drafted before a decision could be said to be ratified.
42. The Information Tribunal in *Scotland Office v the Information Commissioner* (EA/ 2007/0070) recognised the safe space argument as “the importance of preserving confidentiality of policy discussion in the interest of good government” this covers the idea that the policy making process should be protected whilst it is ongoing so as to prevent it being hindered by lobbying and media involvement.
43. In another case, *Department for Education and Skills v the information Commissioner and The Evening Standard* the Tribunal recognised the importance of this argument stating “Ministers and officials are entitled to time and space, in some instances considerable time and space, to hammer out policy by exploring safe and radical options alike, without the threat of lurid headlines depicting that which has been merely broached as agreed policy” (para 75, point iv).
44. This argument recognises that the need for a safe space whilst formulating policy exists separately to, and regardless of any potential effect on the frankness and candour of policy debate that might result from disclosure of information under the Act (“the chilling effect”). Even if there was no suggestion that those involved in policy formulation might be less frank and candid in putting forward their views, there would still be a need for a “safe space” for them to debate

policy and reach decisions without being hindered by external comment.

45. In *Scotland Office v the information Commissioner* (EA/2007/0128 para 62) the Tribunal again recognised the importance of this concept, but warned that “information created during the process cannot be regarded per se as exempt from disclosure otherwise such information would have been protected in FOIA under an absolute exemption”. The Commissioner agrees with this view and comments that there may be cases where the public interest in disclosure is sufficient to outweigh this important consideration.
46. The key issue in relation to the “safe space” argument will be whether a request for such information is received whilst a “safe space” in relation to that particular policy making process is still required. In *DBERR v the Information Commissioner and Friends of the Earth* (para 114) the Tribunal commented in relation to the need for a private “thinking space”; “This public interest is strongest at the early stages of policy formulation and development. The weight of this interest will diminish over time as policy becomes more certain and a decision as to policy is made public”.
47. The Commissioner notes that the site option appraisal document has been in existence for several years. He also notes that the council have in their publications alluded to the fact that preferred location of the new site for the school is the Hervey Road Sports Field. As the preferred site has been identified and alluded to in Council publications and communications and a significant passage of time has elapsed since the document was prepared disclosure would not significantly impact on the safe space needed to make a final decision on the location of Willow Dene School. The Commissioner however does acknowledge the possibility that Options Appraisal Report is likely to reveal more the fact that the Hervey Road site is the preferred location of the new school and that some weight should be afforded to the safe space argument. Although the overall decision for the relocation of the new school has not been made, it is reasonable to assume that the Council has formed some preliminary views as to the preferred option on the eventual site.
48. The Commissioner is not convinced that the Council Cabinet decision making ability would be adversely affected by the release of this document. Public debate has been encouraged throughout and the Council, through its officers, have gone so far as to confirm that the site would be a potential location. The withheld information would serve to qualify those opinions and shed light on the breadth of options that were considered. Public debate appears to be already informed of

some information about preference and proposed plans, disclosure of further information would not be likely to have a detrimental effect on the ability to form a reasoned and objective decision.

49. In reaching a decision as to the balance of public interest he has also considered that the information sought relates to an issue which will affect an important public space within the local community and the decision as to whether to, and where to, relocate the Willow Dene School will have a considerable environmental impact.
50. In light of all of this the Commissioner finds that the public interest in maintaining the exception does not outweigh the public interest in disclosure of the information.

### **Procedural Requirements**

51. Greenwich Council dealt with the request for information under the Freedom of Information Act and accordingly applied the exemption initially at section 22 and subsequently at section 36 of the Act. The Commissioner has viewed the information and has found that the information is Environmental Information as defined by the Environmental Regulations (EIR).
52. Regulation 14 `*Refusal to disclose information*` states that if a request for environmental information is refused, this refusal should be made in writing by no later than 20 working days after the date of the request. The refusal must specify any exception being relied upon under regulation 12(4), 12(5) or 13; and the matters considered in reaching a decision with respect to the public interest under regulation 12(1)(b).
53. By failing to deal with the request under the correct legislation and therefore failing to issue a refusal notice which meets the requirement above, Greenwich Council have breached the requirements of regulation 14.

## **The Decision**

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54. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the EIR in the following respects:
- Regulation 5(1), in that it failed to make the environmental information requested available, to which the complainant was entitled in accordance with the regulations because it incorrectly concluded that public interest in maintaining the exception provided by regulation 12(4)(e) outweighed the public interest in disclosing the information.
  - Regulation 14 in that it refused the complainant access to the information but failed to explain the exception being relied upon under EIR and the public interest matters considered.

## **Steps Required**

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55. The Commissioner requires the public authority to take the following steps to ensure compliance with the EIR:
- Disclose the information withheld under regulation 12(4)(e) of the EIR.
56. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

## **Failure to comply**

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57. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Other matters

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58. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

Part VI of the section 45 Code of Practice recommends that complaints procedures (internal reviews) 'should be as clear and simple as possible'. In his Good Practice Guidance No.5, the Commissioner qualifies this further by explaining that he does not expect an internal review to have more than one stage. The Commissioner is concerned that, despite his guidance on the matter, the Council operates an internal review procedure which consists of multiple stages. In light of this the Commissioner recommends that the Council amends its current internal review procedure as a matter of urgency.

## Right of Appeal

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59. 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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 31st day of March 2010**

**Signed .....**

**Steve Wood**  
**Assistant Commissioner**

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**



## Legal Annex

### Regulation 2

(1) In these Regulations -

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic, or any other material form on –

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among those elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures, such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- (d) reports on the implementation of environmental legislation;
- (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);

## **Regulation 5**

- (1) Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request.
- (2) Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.

## **Regulation 12**

- (1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –
  - (a) an exception to disclosure applies under paragraphs (4) or (5); and
  - (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.
- (2) A public authority shall apply a presumption in favour of disclosure.
- (3) To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.
- (4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that -
  - (a) it does not hold that information when an applicant's request is received;
  - (b) the request for information is manifestly unreasonable;
  - (c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
  - (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; of
  - (e) the request involves the disclosure of internal communications.

- (5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect -
- (a) international relations, defence, national security or public safety;
  - (b) 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,
  - (c) intellectual property rights;
  - (d) the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law;
  - (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;
  - (f) the interests of the person who provided the information where that person –
    - (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;
    - (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and
    - (iii) has not consented to its disclosure; or
  - (g) the protection of the environment to which the information relates.
- (6) For the purposes of paragraph (1), a public authority may respond to a request by neither confirming nor denying whether such information exists and is held by the public authority, whether or not it holds such information, if that confirmation or denial would involve the disclosure of information which would adversely affect any of the interests referred to in paragraph (5)(a) and would not be in the public interest under paragraph (1)(b).
- (7) For the purposes of a response under paragraph (6), whether information exists and is held by the public authority is itself the disclosure of information.

- (8) For the purposes of paragraph (4)(e), internal communications includes communications between government departments.
- (9) To the extent that the environmental information to be disclosed relates to information on emissions, a public authority shall not be entitled to refuse to disclose that information under an exception referred to in paragraphs (5)(d) to (g).
- (10) For the purposes of paragraphs (5)(b), (d) and (f), references to a public authority shall include references to a Scottish public authority.
- (11) Nothing in these Regulations shall authorise a refusal to make available any environmental information contained in or otherwise held with other information which is withheld by virtue of these Regulations unless it is not reasonably capable of being separated from the other information for the purpose of making available that information.

#### **Regulation 14**

- (1) If a request for environmental information is refused by a public authority under regulations 12(1) or 13(1), the refusal shall be made in writing and comply with the following provisions of this regulation.
- (2) The refusals shall be made as soon as possible and no later than 20 working days after the date of receipt of the request.
- (3) The refusal shall specify the reasons not to disclose the information requested, including -
  - (a) any exception relied on under regulations 12(4), 12(5) or 13;  
and

the matters the public authority considered in reaching its decision with respect to the public interest under regulation 12(1)(b) or, where these apply, regulations 13(2)(a)(ii) or 13(3).