



Sarah Sellers
Bromsgrove District Council & Redditch
Borough Council
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Worcestershire, B60 1AA
E-mail:
s.sellers@bromsgroveandredditch.gov.uk

Our Ref: W-6551

Your Ref:

Date: 5 February 2015

Dear Sarah Sellers

Enquiry regarding: A copy of report: (EA Actions & Construction Engineers Report) Marlbrook Quarry, Worcestershire.

We refer to your request for a Copy of Report: Construction Engineer's Report on Marlbrook Quarry Reservoir, Worcestershire.

Requests for information that is recorded are generally governed by the Freedom of Information Act 2000 (FOIA). The information you have requested is environmental and it is therefore exempted from the provisions of FOIA by FOIA s.39(1). We have therefore considered your request under the provisions of the Environmental Information Regulations 2004 (EIR). EIR regulation 12 allows a public authority to refuse to disclose environmental information if an exception to disclosure applies under paragraphs (4) or (5) and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. A public authority shall apply a presumption in favour of disclosure.

Information enclosed and notice.

We now enclose the following information:

Redacted copy of Construction Engineer's Report on Marlbrook Quarry Reservoir, Worcestershire.

Please see the Standard Notice – for details of permitted use.

Information withheld.

We have blanked out information from the report which would adversely affect national security / public safety.

Relevant exceptions.

The exception that applies to this information is:

EIR regulation 12(5)(a) – We consider that disclosure of parts of the S10 inspection report would adversely affect national security and public safety.

The public interest test.

We have weighed the public interest factors in favour of maintaining the exceptions for national security/public safety and find that they outweigh the public interest factors in disclosing the information.

In carrying out the public interest test we have considered factors in favour of releasing the information, in particular the general presumption of openness. The Environment Agency would only withhold information if it is sure that disclosure would cause substantial harm. Here the harm is to public safety which is a serious matter. We have considered the need to promote accountability and transparency taking into consideration your interest in this reservoir and interest generally in ensuring that large raised reservoirs are both safe and maintained. We have considered whether the information is already public and in the case of detailed information in the inspection report, it is not. We have considered the contribution that release of the information would make to public debate of issues and we recognise your particular interest regarding Marlbrook Quarry Reservoir. We have sought to release as much information as is possible and as enclosed in order to allow the public to engage in debate and to be transparent in the regulation of the reservoir.

We have considered factors in favour of withholding the information, in particular the strength and number of grounds in the legislation. During the current heightened status of threat to national security, there is a high level of public interest in not releasing information that would result in a threat to public safety. The advice from the Security Service is that to release key details of the infrastructure or vulnerabilities of the reservoir would prejudice the protection and safety of the public through potential damage or disruption to the national infrastructure by acts of sabotage.

We have been able to separate out and release the majority of information from the engineers report.

As indicated, upon assessing the factors in the public interest test, we have assessed that in relation to the national security exceptions, we find that the factors in favour of withholding information outweigh the public interest factors in disclosing the information.

Rights of appeal.

If you are not satisfied with our response to your request for information, you can contact us to ask for our decision to be reviewed. If you are still not satisfied following

Environment Agency, Riversmeet House, Newtown Industrial Estate, Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.

Customer services line: 08708 506 506

E-mail: enquiries@environment-agency.gov.uk

www.gov.uk/environment-agency

this, you can make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information.

The address is:

Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545700.

Fax: 01625 524 510.

E-mail: mail@ico.gsi.gov.uk

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely

Rachel Hamer
Customer & Engagement Officer

For further information please contact the Customer & Engagement Team

Tel: 01743 283410/ 283412

Direct e-mail:- SHWGenquiries@environment-agency.gov.uk

Enc.
Standard Notice.