

REGULATION 12(5)(g) - The protection of the environment

Regulation 12(5)(g) provides an exception from the duty to make environmental information available if it would harm the protection of the environment to do so. The purpose of this exception is to increase the protection of the environment by ensuring greater access to environmental information, whilst ensuring that disclosure of information does not lead to damage of the environment. Disclosure which could have this effect includes information relating sites of protected species, nesting sites of rare birds, and/or the location of vulnerable archaeological sites.

Please see <http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made> for more detail.

Factors for supporting disclosure

- Making environmental information available to the public ultimately contributes to a better environment, by increasing people's awareness and understanding of environmental issues.
- General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made.

Factors supporting non-disclosure

- It is in the public interest to avoid harming or causing any adverse effect to the environment and protected species.
- Release of this information could result in people disturbing protected species through desire to observe such an animal in its natural environment.
- If Information regarding the locations of protected species, were to be disclosed, then disclosure would adversely affect the ability to protect the sites, because of the risk that campaigners or members of the public could enter on to areas of land and disrupt the mitigation works.
- Disclosure of the precise geographic location of these sites would increase the likelihood of harm to the environment.

Balance Test

The decision to withhold the information is upheld in the light of the arguments against disclosure. We have concluded that the protection of the species, and the environment in this situation, outweighs the public interest for transparency on environmental issues. Therefore, we are withholding the redacted information.