



SECTION 14

ENVIRONMENTAL INFORMATION (EIR)

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SECTION 14

ENVIRONMENTAL INFORMATION (EIR)

14.1 What does EIR cover?

Includes information relating to:

1. the state of land, including water, air flora or fauna;
2. any activities which adversely affect the environment (including light, noise and other emissions and nuisances);
3. any measures which are designed to protect the environment;
4. plans, programmes, cost-benefit analyses which relate to environmental information;
5. information relating to roads, traffic maintenance, land use planning, development control, buildings and estates.

14.2 FOI and EIR: important differences

FOI	EIR
Request must be in writing	Request need not be in writing. However, to ensure that there is no misunderstanding about the request and in the interests of good practice, the Council could ask for written confirmation
Exemption where cost of compliance exceeds the 'appropriate limit' (see Council's adopted Fees and Charges)	No equivalent exemption. However 'reasonable' charges can be made
Information held on behalf of another person is not included	All information is included, whether it is held on behalf of another person or not
Only qualified exemptions are subject to the public interest test	All exceptions are subject to the public interest test NB: Information which could be exempt under FOI may nevertheless have to be released under EIR as EIR takes precedence over FOI
Information which could prejudice commercial interests can be withheld if the public interest in withholding the information is greater than the public test in releasing it	Where a request relates to information on emissions into the environment, it cannot normally be refused

Under the EIR, the Council will be required to make environmental information progressively available to the public via electronic means and to organise information with a view to active dissemination. Officers will be required to have regard to the Code of Practice and Guidance issued by DEFRA

EIR exceptions are all subject to the public interest test only. It should however be noted, that information about emissions under EIR, must in general, always be disclosed.

14.3 Information Commissioner's FAQs

Refer to Annex 2.



14.4 The DEFRA Code of Practice and Guidance

The Council is required under the Environmental Information Regulations (the EIR 2004), to make environmental information progressively available to the public via electronic means and to organise information with a view to active dissemination. You will be required to have regard to the Code of Practice and Guidance issued by DEFRA [Annex 3].

Information, which is environmental information, is exempt from disclosure under the FOI Act, as the request should be dealt with under the EIR 2004.



ACTION

- Do you understand what an EIR is?
- Do you understand the differences between FOI and EIR?