



Ein cyf/Our ref ATISN 13626

04 February 2020

Dear ,

**Complaint in respect of Request for Information – reference ATISN 13626:  
Environmental Information Regulations (2004) – Cabinet Secretary  
announcement to introduce regulatory measures to tackle agricultural  
pollution (14th November 2018).**

Further to the above complaint, I have conducted an internal review of the original response to your request.

In your original request, you asked for several items including:

3. Information for the whole of Wales under Article 5 of the EU Nitrates Directive (91/676/EEC) which states that NVZ Action Programmes shall take into account:
  - a) Available scientific and technical data, mainly with reference to respective nitrogen contributions originating from agricultural land and other sources;
  - b) Environmental conditions in the relevant regions of the Member State concerned.

**Yr Is-Adran Amaeth-Cynaliwydd a Datblygu  
Agriculture-Sustainability and Development Division**

We withheld this information under The Environmental Information Regulations (EIR), Regulation 12(4)(e) – Internal Communications. In your request for a review you state:

We are not sure how this information can be properly classified as ‘internal communications’.

For the avoidance of doubt, the information we are seeking is the scientific and technical data, along with the relevant environmental conditions, which were taken into account in the development of the Action Programme in accordance with Article 5 of the Nitrates Directive (91/676/EEC). We are not clear how this information could constitute ‘internal communications’. We would therefore invite you to reconsider your response to this request.

I have now spoken to officials and reviewed this matter and I understand that our initial interpretation of your request was that it was for information and all communications related to the Cabinet Secretary announcement of 14 November 2018 to introduce regulatory measures to tackle agricultural pollution remains valid. That is to say, officials interpreted all parts of the request as being for the advice related to that announcement. I believe that this was a reasonable interpretation of your original request.

Following the subsequent clarification you have provided, I have concluded that the information you are seeking does not refer to the Cabinet Secretary’s announcement of November 2018 but to a subset of information relative to the introduction of previous regulation and development of the Action Programme under the NVZ Regulations of 2013. With this clarification, I believe that this information should have been released, and it will be forwarded to you under separate cover.

I apologise that your request was initially misinterpreted, and trust that this now concludes the matter to your satisfaction.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

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

Tel: 01625 545 745  
Fax: 01625 524 510

**Yr Is-Adran Amaeth-Cynaliidwyedd a Datblygu  
Agriculture-Sustainability and Development Division**

Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Tim Render  
**Director, Land, Nature and Food**