

EIRs Guidance Series

What is environmental information?



Contents

Glossary and abbreviations	i
Introduction.....	1
EIRs guidance series.....	1
General	1
Definition (a): Elements of the environment	2
Definition (b): Factors affecting the elements of the environment	4
Factor.....	4
Affecting or likely to affect the elements of the environment.....	5
Providing information on measurement, analysis, etc.....	5
Definition (c): Measures and activities	5
Measures	6
Activities.....	6
Affecting or likely to affect the elements and factors.....	6
Planning.....	6
Definition (d): Reports on the implementation of legislation	7
Definition (e): Costs benefit and other economic analyses.....	7
Definition (f): Human health and built structures	7
Human health	8
Conditions of human life.....	8
Cultural sites	8
Built structures	8
Affected by the state of the elements	9
Appendix 1: Resources	10
SIC Decisions.....	10
Other Resources.....	13
Appendix 2: The definition of environmental information	15
Document control sheet.....	16

Glossary and abbreviations

Term used	Explanation
The Commissioner	The Scottish Information Commissioner
EIRS	Environmental Information (Scotland) Regulations 2004
FOISA	Freedom of Information (Scotland) Act 2002
SIC	The Scottish Information Commissioner, staff of SIC (depends on context)
The Directive	Directive 2003/4/EC on public access to environmental information

Introduction

1. The definition of environmental information is set out in regulation 2(1) of the EIRs. It is the same as the definition in Directive 2003/4/EC on which the EIRs are based.
2. The Directive closely follows the definition of environmental information in the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“the Aarhus Convention”). (See **Appendix 1: Resources** for links to the Directive and to the Aarhus Convention.)
3. To deal with requests appropriately, it is important that Scottish public authorities understand the distinction between:
 - environmental information, which is subject to the EIRs
 - personal data of the requester, which would fall under the General Data Protection Regulation/Data Protection Act 2018 (and is exempt from disclosure under section 38(1)(a) of the Freedom of Information (Scotland) Act 2002 (FOISA) and regulation 11(1) of the EIRs)
 - all other information, which would fall under the scope of FOISA

EIRs guidance series

4. This is the second part of a series of guidance on the EIRs. The full series covers the following:
 - Introduction to the EIRs¹
 - What is environmental information?
 - Which bodies are covered by the EIRs?²
 - What do the EIRs require Scottish public authorities to do?³
 - Handling requests for environmental information⁴
 - The exceptions⁵
 - Differences between the EIRs and FOISA⁶
5. See **Appendix 1: Resources** for a link to all of the guidance.

General

6. No types of information are excluded from the potential ambit of environmental information. Environmental information may be found in or extend beyond what is not specifically an environmental topic. Court cases have confirmed that environmental information, and the scope of the Directive, should be interpreted broadly (see **Appendix 1: Resources**).

¹ http://www.itspublicknowledge.info/Law/EIRs/EIRs_Introduction.aspx

² <http://www.itspublicknowledge.info/Law/EIRs/EIRsCoverage.aspx>

³ <http://www.itspublicknowledge.info/Law/EIRs/EIRsObligations.aspx>

⁴ <http://www.itspublicknowledge.info/Law/EIRs/EIRsHandlingRequests.aspx>

⁵ <http://www.itspublicknowledge.info/Law/EIRs/EIRsExceptions.aspx>

⁶ <http://www.itspublicknowledge.info/Law/EIRs/EIRsDifferencesEIRSandFOISA.aspx>

7. Each part of the definition is considered in detail in this guidance. The definition is also set out in full in **Appendix 2: The definition of environmental information**.
8. The first thing to notice is that the definition of environmental information means “any information on” various factors, such as the state of the elements of the environment. This makes it clear that environmental information should be interpreted widely. Environmental information can be found in:
 - documents, leaflets, reports, books, post-it notes, notes, data sets, memos, meeting notes, maps, diagrams, sketches, graphs, illustrations; basically, anything written down;
 - digital and/or analogue records, such as tape recordings, answer phone recordings, recorded presentations, Dictaphone tapes, DVDs, memory sticks, compact discs or any other electronic or optical storage format;
 - any type of electronic file, word-processor file, database (including GIS and related data), spreadsheet, computer models (including 3D models) and files, specially written bespoke programs, calendars, emails, archived web pages/sites, temporary or cached files and computer generated images;
 - any other material form, that is, other forms not widely available, or not yet developed or invented at the time the EIRs came into force.
9. There is no geographical restriction: the information may relate to anywhere in the world. So, for example, information on overseas aid programme grants for schemes that impact upon the environment may come within the definition of environmental information for the purposes of the EIRs, provided that information is held by a Scottish public authority.

Definition (a): Elements of the environment

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 these elements

10. Note the use of the words “such as” in definition (a). This indicates that the elements listed here are purely representative and that these are not the only things which should be considered as elements. The scope of the EIRs is therefore potentially wider than these categories.
11. There are two elements to this definition; firstly, the state of the elements of the environment and secondly the interaction among the elements of the environment. The state of the elements, or components, of the environment covers both quality and quantity. It will include physical, biological and chemical characteristics. It is not limited to current conditions, but includes past and predicted future conditions.
12. The interaction of the elements recognises that many aspects of the environment are interlinked.
13. **Appendix 1: Resources** contains examples of decisions issued by the Commissioner which look at the definition of environmental information.

Air and Atmosphere	The atmosphere is the collection of gases that surround the earth which are retained by the earth's gravitation, forming its gaseous envelope. The distinction between air and atmosphere suggests that "air" refers to that which we breathe which would include air found within buildings and structures.
Water	This is water in all its forms (vapour, ice, liquid) and is not limited by scale (from oceans to the smallest droplet). It includes water underground or on the surface, water in natural settings (rivers, lakes) and man-made settings (canals, ponds).
Soil	Soil can be taken to mean the unconsolidated mineral or organic material top layer of the earth's surface in which plants grow.
Land	Land is the solid (as contrasted to the liquid or gaseous) parts making up the earth's surface, but may also include land under the surface. "Land" is defined in the Interpretation and Legislative Reform (Scotland) Act 2010 as including buildings and other structures, land covered by water, and any right or interest in or over land. The definition includes natural minerals and deposits such as salt, coal, limestone, slate, iron, etc.
Landscape	Landscape is defined by the European Landscape Convention 2000 as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors".
Natural sites (including wetlands, coastal and marine areas)	<p>"Natural sites" recognises the importance of protected areas such as:</p> <ul style="list-style-type: none"> • World Heritage Sites • Natura 2000 nature conservation sites • Sites of Special Scientific Interest • National Nature Reserves <p>A site does not need to have been designated to qualify as a "natural site". All natural sites that possess a specific value, local significance, special natural or historic value can be taken to be a natural site.</p> <p>"Natural" does not necessarily mean devoid of human interference, and the protection and/or management of a site will not preclude it from being classified as natural.</p>
Genetically modified organism	UNECE describes genetically modified organisms as "any organism with the exception of human beings that possesses a novel combination of genetic material obtained through the use of modern biotechnology".
Interaction among the elements	This phrase recognises that no one aspect of the environment can be fully understood in isolation and that the interaction between the elements is just as important as the elements themselves.

Definition (b): Factors affecting the elements of the environment

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)

Factor

14. Factor in this sense should be taken to mean simply something that has an effect on an element of the environment.
15. It is possible for an “element” to be a “factor”. For example, water will become a “factor” in an incidence of flooding.

Substances	Includes all material/matter, natural or synthetic, for example, chemicals, pharmaceuticals, hormones, antibiotics, oil, particulates, gases, liquids, etc.
Energy	<p>Energy can be expressed in traditional scientific language: thermal, chemical, electrical, kinetic, quantum, electromagnetic, laser, potential, light, and sound, etc. Common usage for the term centres on power generation: oil-fired, coal-fired, gas-fired, nuclear energy and renewable energy (wind power, hydro power, wave/tidal energy, solar energy etc.).</p> <p>Energy is not restricted to large-scale power plants and electricity generation. It also includes heat (heat, in the form of hot water emitted into a river for example, can have a drastic effect on the plants, animals and fish living in the vicinity), combined heat and power, renewables (including micro-renewables), biomass, fuel-cells, etc. Energy will also include sunlight, geothermal, radio waves, microwaves and radar waves.</p>
Noise	<p>Although noise is itself energy, it is included here separately. Noise may be subjective, localised and transient. A simple dictionary definition of noise is, “a sound, especially one that is loud, unpleasant, or disturbing”.</p> <p>Noise also includes vibrations (section 79 of the Environmental Protection Act 1990).</p>
Radiation or waste, including radioactive waste	Radioactive materials are used in many situations, settings and industries. Radioactive materials are used in common products ranging from the luminous dials on watches, to smoke detectors. Radioactive waste can be generated by hospitals; the pharmaceutical industry; the oil industry; military establishments; scientific research establishments; industrial radiography equipment manufacture; and, of course, the nuclear power generation industry.
Emissions, discharges and other releases	<p>According to Directive 96/61/EC on integrated pollution prevention and control (the IPPC Directive), “emission” means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources into the air, water or land.</p> <p>There is no definition of “discharges” in the IPPC Directive. Common usage of the term in this context suggests it may generally be reserved (although not exclusively) for liquid releases into water.</p>

	This approach is supported by the use of “discharge” in water pollution legislation, for example the Water Environment (Controlled Activities) (Scotland) Regulations 2011.
Releases	<p>A helpful approach to understanding this term may be found in section 1(10) of the Environmental Protection Act 1990, which states that a substance is “released” into any environmental medium whenever it is released directly into that medium whether it is released into it within or outside Great Britain.</p> <p>The 1990 Act goes on to say that “release” includes –</p> <ul style="list-style-type: none"> • in relation to air, any emission of the substance into the air • in relation to water, any entry (including discharge) of the substance into water • in relation to land, any deposit, keeping or disposal of the substance in or on land.

Affecting or likely to affect the elements of the environment

16. This means that information about the factor will only be environmental information if the factor is affecting, or is likely to affect, the elements of the environment.
17. The effect doesn’t have to be detrimental or large scale.
18. “Likely to” suggests there must be a degree of evidence to suggest that the factor would have the supposed effect.

Providing information on measurement, analysis, etc.

19. Regulation 5(5) of the EIRs states that, when a public authority is disclosing information falling under definition (b), it must, if the requester asks for it, provide information on where information can be found about the measurement, analysis and sampling methods used in compiling the information. Alternatively, authorities can refer the applicant (i.e. the requester asking them for information) to the standardised procedure which was used.
20. Note that regulation 5(5) only applies when the requester specifically asks for this information and only to the extent that the information is available to the authority.

Definition (c): Measures and activities

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 paragraphs (a) and (b) as well as measures or activities designed to protect those elements

21. Information about a measure or activity will be environmental information if the measure or activity:
 - affects or is likely to affect the elements of the environment;
 - affects or is likely to affect a factor which itself affects or is likely to affect an element of the environment; or

- is designed to protect the elements of the environment.

22. The effect need not be detrimental or large scale. There must, however, be a link between the measure/activity and an element/factor.

Measures

23. Measures will include the steps taken to secure an effect (past, present or future), and the methods, processes or instruments used.

24. The definition specifically mentions administrative measures, but measures don't have to be administrative to be covered by the definition. Measures will also include regulatory, economic and voluntary tools, such as Acts of Parliament, local by-laws, taxes, fines, charges and voluntary agreements.

25. "Policies" is not restricted to environmental policies, but can include policies on development, the economy, transport, health and safety, etc. This category will include planning tools such as local plans, Environmental Impact Assessments and Strategic Environmental Assessments under the relevant legislation.

26. Where a measure is proposed or is being carried into effect, "any information ...on" those measures will be environmental information. This includes information about who was involved in the decision, when it was taken and what process led to the decision. However, the extent to which the information relates to the measure is a matter of judgement.

Activities

27. Activities are not described in the definition, but the Aarhus Implementation Guide refers to "...decisions on specific activities, such as permits, licenses, permissions..." Therefore, if the permit (or equivalent authorisation) can be viewed as the decision to allow the activity to proceed, then the activity must be the process, operation, actions or procedure for which the permit is required.

28. It should not be assumed that a permit or authorisation is required in order for an action to be considered an activity. Some activities which bear upon the environment may not require authorisation, or be conducted under general binding rules which may arguably fall short of being a permit or authorisation. The interpretation of activities is likely to be broad and ranges, for example, from the construction of a bypass, to agricultural practices.

Affecting or likely to affect the elements and factors

29. The measure or activity must affect, or be likely to affect, either the elements of the environment or the factors. Or alternatively, in this case, be specifically designed to protect them.

Planning

30. Information about planning applications will usually be environmental information, given that the information will, in most circumstances, explicitly relate to plans and developments which will have a direct impact on the land use and landscape of a particular area.

31. This is because the built environment and changes to it will, by definition, impact substantially on the environment in many ways, both directly and indirectly. Buildings are also increasingly subject to audits and surveys of environmental performance, including energy consumption. Environmentally-relevant aspects will extend to design, performance, construction, contamination, demolition, waste disposal and almost all other aspects of the

life-cycle of a building. Planning matters will also go beyond buildings to include other infrastructure such as roads, bridges, transport and mobile phone masts.

32. Planning policies, development plans, environmental assessments and similar information are likely to be considered to be “measures.” Reasons for or against planning decisions, and conditions attached to grants of permission, are also likely to be covered by this part of the definition.
33. Planning matters are likely to fall principally within the definition of measures (including administrative measures) in part (c) of the definition of environmental information. Planning matters may also be covered by definitions (e) and/or (f) (see below).

Definition (d): Reports on the implementation of legislation

Definition (d): reports on the implementation of environmental legislation

34. This definition covers, for example, reports reviewing or monitoring the operation, performance, success or failure of environmental legislation.
35. Information in this category may also fall within the definition in paragraph (c).

Definition (e): Costs benefit and other economic analyses

costs benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c)

36. The desire to include economic and financial information in the definition stems from the recognition that it is important to integrate environmental and economic considerations in decision-making.
37. This section is qualified by referring back to definition (c) (measures and activities) and, therefore, to the economic and financial aspects taken into account during the framing of measures or activities.

Definition (f): Human health and built structures

Definition (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)

38. This definition can be broken down into two main subject areas:
 - the state of human health and safety (including the contamination of the food chain where relevant to the state of human health and safety) and conditions of human life; and

- the state of cultural sites and built structures.

39. However, these will only be environmental information to the extent that:

- they are or may be affected by the state of the elements of the environment; or
- through those elements, they are or may be affected by factors, measures or activities affecting or likely to affect the elements of the environment.

Human health

40. Information about the state of human health or safety will be environmental information insofar as human health or safety is, or may be, affected by the state of the elements of the environment or through a factor, measure or activity. This could include information about public health affected or endangered by air, water or soil pollution. It could also include information on respiratory conditions caused by particulate matter, or the endangerment to human health from land contaminated by toxic metals. Special mention has been made of the contamination of the food chain, and this follows concerns over BSE and other health issues.

Conditions of human life

41. This acknowledges the connection between social and environmental factors. As with human health and safety, this appears to be intended to apply to large-scale factors, e.g. information on housing, poverty, employment, social welfare, heating, access to clean water, sanitation, healthcare, education, justice, rather than information on an individual scale.

Cultural sites

42. Cultural sites will include places recognised to have a particular literary, educational, artistic, anthropological or historical value, or have religious, ethnic, or social significance, for example:

- (i) World Heritage Sites (such as St Kilda)
- (ii) scheduled monuments
- (iii) listed buildings
- (iv) archaeological sites
- (v) castles
- (vi) parks

43. These sites can be modern or historical, and urban as well as rural.

Built structures

44. Buildings are included in the definition of “land” in definition (a). According to the Aarhus implementation guide, “built structures” means man-made constructions. The definition is not limited to large buildings and objects (such as dams, bridges and highways), but also covers small constructions and even landscaping or other transformation of the natural environment.

Affected by the state of the elements

45. This paragraph also places boundaries on what is considered environmental information as opposed to, for example, social or economic information. However, note that the qualification (“are or may be affected by”) is weaker than the qualification in definition (c) (“affecting or likely to affect”).

Appendices

Appendix 1: Resources

SIC Decisions

Reference	Decision Number	Parties	Summary
13	025/2009	Iain Hogg and the Scottish Environment Protection Agency	Information about development on an SSSI and proposed Special Protection Area for the conservation of wild birds was environmental information.
13	044/2007	G Crole and Transport Scotland	Badger surveys: the purpose of the survey was to record badger activity and other wildlife. The surveys related to “biological diversity and all its components” and comprised environmental information.
13	051/2009	Advocates for Animals and the Scottish Ministers	The request related to discussions between the UK and Chinese governments about the possibility of Giant Pandas transferring from China to Edinburgh Zoo. The Commissioner recognised the importance of the political context, but the underlying issue was the potential transfer of an endangered wild species from one part of the world to another, i.e. a measure likely to affect biological diversity and its components.
26	094/2008	Rob Edwards and the Scottish Ministers	This involved the publication of bathing water pollution results. The information included plans for the announcement of the test results and information about water quality at various sites, etc. The information provided considerable insight into the measurement and matters influencing bathing water quality around Scotland. The publication of the testing results formed part of a programme of measures designed to monitor and improve Scotland’s bathing water standards in line with European law. The information was, therefore, environmental information.
26	050/2017	First Scottish and Aberdeen City Council	Notices made under the High Hedges (Scotland) Act 2013 were measures in terms of definition (c) of environmental information.
28	218/2007	Prof AD Hawkins and Transport Scotland	This related to a road building programme. The information was about measures and activities likely to affect the state of the elements of the environment (principally the air and landscape), and about factors (such as emissions) likely to affect the elements of the environment. The information was therefore environmental. Information about the costs and financing of the project was also environmental information.
28	033/2009	Paul Drury and East Renfrewshire Council	This involved a contract for a disused quarry site. The contract was mostly made up of contractual clauses relating to the relationship of the parties,

			and various obligations, agreements and financial provisions appropriate to the proposals for the site. The contract was environmental information – it related to proposed measures, the ultimate intention of which was to bring about changes to the land in question, which constituted environmental remediation, and included information on current environmental conditions in and around the site in question.
29	039/2008	Rob Edwards and the Scottish Ministers	This decision considered a request for a draft response to the UK Energy Review consultation. The Commissioner accepted that the UK Energy Review was a strategic review of energy policy. The information was created for the purposes of contributing to that Energy Review and would not have been held in this form otherwise. The Energy Review was undoubtedly a measure or activity of the kind envisaged by definition (c). Information held for the purposes of and/or connected with the Energy Review fell within the definition of environmental information, particularly if held for the purposes of making a substantive contribution to that review.
29	056/2008	Rob Edwards and the Scottish Ministers	The decision-making process in relation to environmentally significant schemes (here, the M74 completion scheme) was environmental information. Information which considered the environmental, legal and administrative components of bringing such a scheme to fruition was also environmental information encompassed by regulation (c) of the EIRs.
33	101/2008	Alistair Johnson and East Renfrewshire Council	The Council accepted that information about planning applications would often be environmental information. However, it did not accept that pre-application discussions would be environmental information given that the discussions related to nothing more than initial concepts. The Commissioner disagreed: discussion at pre-application stage can involve consideration of potential effects on the elements of the environment.
33	102/2009	Cllr David Alexander and Falkirk Council	A Local Plan comprised environmental information, as did officers' observations on councillors' comments/objections on the Local Plan proposals and Councillors' requests for advice on the proposals.
37	094/2009	Brian MacGregor and Highland Council	A Business Plan for the Highland Housing Fair 2009 was environmental information. The event was intended to showcase environmentally-friendly housing design. The Commissioner was satisfied that information on costs, benefits and other economic assumptions would be covered by definition (e).
41	120/2008	Rob Edwards and the Scottish Ministers	This case considered a request for papers relating to the development of an environmental justice strategy. Environmental justice is concerned with the effects of the environment on people and communities, and seeks to identify and eliminate

			injustices where certain groups bear a disproportionate burden of environmental risk. The Commissioner was satisfied that all of the information was environmental. Because of the connection between the environment and its effect on people, much of the information concerned the state of human health and conditions for human life.
39	190/2015	Marc Ellison and Cairngorms National Park Authority	Correspondence between Prince Charles and the Park Authority fell into definition (f) (as well as definitions (a) and (c)) of environmental information.
39	068/2012	Anne Ewen and the City of Edinburgh Council	Information about complaints or accidents at a public footpath was environmental information. The information concerned the condition of a pavement, so related to measures (the Council's policy of conducting inspections of pavements) and activities (the Council's responsibilities under the Roads (Scotland) Act 1984) affecting, or likely to affect, the elements in part (a) of the definition (land and landscape).
41	129/2007	MacRoberts Solicitors and Aberdeenshire Council	This case dealt with a request for copies of abatement notices served under section 80 of the Environmental Protection Act 1990 (EPA), i.e. where "the by-products of human activity, such as fumes, odour, smoke, dust, effluvia, insects, light or noise may be prejudicial to health or a nuisance". The notices were substantially composed of information relating to noise and odour emissions, factors which will affect the elements of the environment, and as such fall within definition (b).
44	096/2006	George Waddell and South Lanarkshire Council	A loss adjuster's report about the interaction of water (as rainwater) with an infrastructure (a drain or gully) potentially causing damage (flood and erosion) to built structures brought the contents of the report within the definition of environmental information.

All of the Commissioner's decisions are available on the Commissioner's website. To view a decision, go to www.itspublicknowledge.info/decisions and enter the relevant decision number (e.g. 032/2014).

If you do not have access to the internet, contact our office to request a copy of any of the Commissioner's briefings or decisions. Our contact details are on the final page.

Other Resources

Paragraph	Resource	Link
1	Directive 2003/4/EC on public access to environmental information	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF
1	Aarhus Convention	https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf
5	EIRs Guidance Series: Introduction to the EIRs	http://www.itspublicknowledge.info/Law/EIRs/EIRs_Introduction.aspx
5	EIRs Guidance Series: Which bodies are covered by the EIRs?	http://www.itspublicknowledge.info/Law/EIRs/EIRsCoverage.aspx
5	EIRs Guidance Series: What do the EIRs require Scottish public authorities to do?	http://www.itspublicknowledge.info/Law/EIRs/EIRsObligations.aspx
5	EIRs Guidance Series: Handling requests for environmental information	http://www.itspublicknowledge.info/Law/EIRs/EIRsHandlingRequests.aspx
5	EIRs Guidance Series: The exceptions	http://www.itspublicknowledge.info/Law/EIRs/EIRsExceptions.aspx
5	EIRs Guidance Series: Differences between the EIRs and FOISA	http://www.itspublicknowledge.info/Law/EIRs/EIRsDifferencesEIRSandFOISA.aspx
6	Mecklenburg v Kreis Pinneberg, ECJ C321/96 [1998] ECR 3809 (Made under an earlier EU Directive)	http://curia.europa.eu/juris/showPdf.jsf?jsessionid=9ea7d2dc30db14a8efb9e160458c9921e0e0bcf79c33.e34KaxiLc3qMb40Rch0SaxuKbxb0?text=&docid=101216&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=584479

6	<p>Glawischnig v Bundeskanzler C316/01; [2003] ECR I-5995, 12 June 2003</p> <p>(Made under an earlier EU Directive)</p>	<p>http://curia.europa.eu/juris/showPdf.jsf?jsessionid=9ea7d2dc30db22a208b9deaf4287b15ee6c54cefd5d5.e34KaxiLc3qMb40Rch0SaxqTbNb0?text=&docid=85594&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=623425</p>
6	<p>Department for Energy and Climate Change v Information Commissioner 2015 UKUT 671 AAC</p>	<p>http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=4735</p>
6	<p>Department for Business, Energy and Industrial Strategy v Information Commissioner [2017] EWCA Civ 844</p>	<p>https://www.11kbw.com/wp-content/uploads/Dept-Energy-v-Information-Commisioner-Final-Approved-28-06-2017.pdf</p>
52	<p>The Aarhus Convention: An implementation Guide (second edition 2014)</p>	<p>https://www.unece.org/env/pp/implementation_guide.html</p>

Appendix 2: The definition of environmental information

Regulation 2(1): Interpretation

(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 these 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 paragraph (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 paragraphs (a) and (b) as well as measures or activities designed to protect those elements;
- (d) reports on the implementation of environmental legislation;
- (e) costs benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (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 paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c);

...

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info

© Scottish Information Commissioner 2019

You may use and re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>