Marine and Fisheries Agency, Area 6B, 3-8 Whitehall Place, London, SW1A 2HH
Telephone: 0207270 8679 **Fax:** 0207 270 8708
Email: Anna.sargeant@mfa.gsi.gov.uk
Website: http://www.mfa.gov.uk/met/spills.htm

Date: 25th November 2008

Dear Mr Latimer

Environmental Information Regulations – Repeated requests

I refer to your request dated 4 January asking for (a) a meeting to discuss the Port of Tyne Capping trial; (b) a copy of all the correspondence we have on our files relating to the monitoring to the Port of Tyne Dredging Trial since 2006; (c) the position regarding the removal of 500,000mts of CDM; (d) Dumping of waste from the new Tyne tunnel; (e) extension of dock relating to Ghost Ships at Hartlepool; (f) fishing for cod. You also wrote to me 16 September asking for an internal review of the handling your request.

In addition to significant correspondence throughout the year, Nigel Gooding replied to you on 10 October on these questions and stated that I will reply regarding the supply of papers since 2006. The draft monitoring report was sent to you on 27 October.

The volume of papers is substantial and runs to 200 pages. Under The Deposits in the Sea (Public Registers of Information) Regulations 1996 copies of the papers can be viewed at this office, please let me know if you would like to make an appointment to see them. Alternatively copies of entries on the public register may be obtained on payment of a charge. The cost of photocopying these papers, at 10p per sheet, comes to £20, if you would like to receive copies please send a cheque to me for this amount made payable to the 'Marine and Fisheries Agency'.

The Environmental Information Regulations stipulate that a public authority may charge what is, in its view, a reasonable amount, (Regulation 8 (3)). Based on a decision on the Information Tribunal, the Markinson case, public

authorities may charge 10 pence per sheet for photocopying. If the public authority has a strong justification for doing so, it can exceed this amount but the charge would still have to be reasonable.

As Head of the Marine Environment Team in the Marine and Fisheries Agency I am responsible for the way in which my team responds to requests for information. I have therefore noted the large number of requests (over 80 since 2005, see attached summary). I fully appreciate that these have been motivated by your concern about this trial and the effect on the marine environment. However, I have been increasingly concerned about the very significant demands these requests have made on the Agency's resources.

I have therefore carefully considered the history of these requests and the responses you have received with this letter. We have come to the view that you have received all the information on these subjects to which you are entitled, and that processing any further similar requests would place an unreasonable burden on the Agency's resources. This will give serious consideration to refusing any future requests in relation to the Port of Tyne Dredging Trial under Regulation 12 (4) (b) of the Environmental Information Regulations 2004, which relates to your request being manifestly unreasonable.

This decision would mean that while the MFA will be willing to consider requests on other separate topics, we will not acknowledge or answer any further requests for information on the Port of Tyne capping trial.

Clive Porro will be writing separately with the outcome of the Internal Review on the handling of this case.

If you are unhappy with the decision to no longer answer your requests concerning the above topic you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to Clive Porro, Head of Defra's Information Rights Team at, Area1E 3-8 Whitehall Place London SW1A 2HH, who will arrange for an internal review of your case. Details of Defra's complaints procedure can be found at: www.defra.gov.uk/corporate/opengov/complain/index.htm.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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

Yours sincerely

Anna Sargeant