

Data Protection Office  
Yorkshire Water Services Ltd  
Halifax Road  
Bradford  
BD6 2SZ

20 August 2026

**Reference Number: EIR**

Dear

We refer to your email dated the 25 June 2026 in relation to the information provided to you in our response to EIR

We logged your internal review reference as EIR for this case.

**Original request EIR**

We received your request for information on 28 April 2026 and recorded this as EIR

*"I am writing to request information regarding your involvement in the Hebden Bridge Flood Alleviation Scheme (FAS), particularly in relation to surface water management and drainage infrastructure.*

*Publicly available documentation indicates that earlier iterations of the scheme (2017–2022) included surface water mitigation measures, including drainage infrastructure and a proposed pumping station. However, the scheme that has progressed through planning approval in 2025 appears to have removed or deferred these elements, with the scheme now described as predominantly fluvial in nature.*

*Given Yorkshire Water's role as the statutory undertaker responsible for wastewater and drainage infrastructure, I request clarification on the following:*

*1. Involvement in Scheme Design*

*Please confirm whether Yorkshire Water was consulted or involved in the design or assessment of surface water mitigation measures within the Hebden Bridge Flood Alleviation Scheme, including any proposed pumping stations, drainage systems, or discharge arrangements.*

## *2. Technical Constraints and Advice*

*Please provide details of any technical advice, constraints, or concerns raised by Yorkshire Water in relation to:*

- Sewer capacity;*
  - Network connections;*
  - Discharge limitations;*
  - Infrastructure conflicts;*
  - Requirements for upgrades or diversions;*
- in connection with the proposed surface water elements of the scheme.*

## *3. Influence on Scheme Scope*

*Please confirm whether any advice, requirements, or constraints provided by Yorkshire Water contributed to the removal, modification, or deferral of surface water mitigation measures from the scheme.*

## *4. Records and Correspondence*

*Please provide copies of:*

- Correspondence between Yorkshire Water and the Environment Agency;*
  - Meeting notes or technical discussions;*
  - Consultation responses;*
- Modelling outputs or technical assessments;*

*from January 2020 to December 2024 relating to the Hebden Bridge Flood Alleviation Scheme.*

## *5. Current Position*

*Please confirm Yorkshire Water's current position on surface water management within Hebden Bridge, including whether existing infrastructure is considered sufficient to accommodate flood mitigation measures, or whether further works would be required.*

*Given the importance of integrated flood risk management and the interaction between fluvial and surface water systems, clarity on the role of utility infrastructure in shaping the scheme is essential."*

## **Our response to EIR**

We responded on the 25 June 2026 with:

### **"Question 1:**

*Yes, we have been in close consultation with EA and there has been significant assessment of impacts on our asset base.*

### **Question 2:**

*Please refer to FAS planning application in the public domain.*

**Question 3:**

*This information is readily available in the public domain via the Eye on Calderdale FAQs 'Why was the surface water scope descope?'*

**Question 4:**

- **Correspondence between Yorkshire Water and the Environment Agency;**

*We have carefully considered this request and recognises that it relates to a legitimate public interest issue concerning surface water management and drainage infrastructure. However, we consider that complying with the request would be manifestly unreasonable under regulation 12(4)(b) of the Environmental Information Regulations 2004. Although the request is defined, responding in full would require extensive searches across multiple systems and teams for external correspondence over the period. As a result, we would be required to engage multiple departments across the business to establish whether any relevant information is held, and to undertake a manual, document-by-document review to determine the relevance of any material identified. In applying the public interest test, we recognise the strong public interest in transparency, flood resilience and understanding how risks to infrastructure are identified and managed. However, this must be balanced against the public interest in ensuring that the company can continue to carry out its core functions effectively. On balance, we consider that the public interest in maintaining the exception outweighs the public interest in disclosure in this instance.*

**Meeting notes or technical discussions**

*We have been advised that we do not record meeting minutes. As such for the purposes of paragraph 12(4)(a), a public authority may refuse to disclose information to the extent that it does not hold that information when an applicant's request is received.*

- **Consultation responses;**

*Please refer to FAS planning application in the public domain.*

- **Modelling outputs or technical assessments;**

*We are writing to inform you that your request for environmental information has been partially refused in accordance with the Environmental Information Regulations (EIR) 2004. Under Regulation 12(3), this refusal is based on the grounds that the requested information constitutes personal data relating to an individual other than the applicant within the modelling data. Protecting the privacy and personal data of individuals is a fundamental principle, and as such, the provision of this information would contravene the data protection principles set out in Regulation 13. Regulation 13 stipulates that personal data shall not be disclosed if the release of such information would contravene any of the data protection principles in the UK GDPR or the Data Protection Act 2018.*

**Question 5:**

*For your information, the definition of environmental information we have used, given as Regulation 2(1), is reproduced below:*

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

### **Your internal review request EIR**

You contacted us on the 25 June 2026 to request an internal review of our response to EIR       advising:

*"I write to request an Internal Review of Yorkshire Water's response to my Environmental Information Regulations request, Reference EIR*  
*I appreciate the time taken to respond to my request. However, having carefully reviewed the response in its entirety, I remain dissatisfied that significant elements of my request have not been substantively addressed. I respectfully request that the Internal Review considers whether the Environmental Information Regulations 2004 have been correctly applied and whether the response satisfies Yorkshire Water's obligations under those Regulations.*  
*The central issue arising from your response is that Yorkshire Water has expressly confirmed:*

*"We have been in close consultation with the Environment Agency and there has been significant assessment of impacts on our asset base."*

*This is an important acknowledgement. It confirms that Yorkshire Water has undertaken a substantial assessment of the interaction between the Hebden Bridge Flood Alleviation Scheme and its own infrastructure.*

*However, despite confirming that such assessments have been undertaken, Yorkshire Water has neither identified the recorded information that documents those assessments nor explained why that information cannot be disclosed, whether in full or in part.*

*Instead, I have been directed to the Hebden Bridge Flood Alleviation Scheme planning application and the Eye on Calderdale website.*

*I have reviewed both sources carefully.*

*Neither contains the “significant assessment of impacts on our asset base” referred to in Yorkshire Water’s response.*

*If Yorkshire Water holds additional recorded environmental information which is not contained within those publicly available documents, directing me back to those sources does not answer my request under the Environmental Information Regulations.*

*Accordingly, I ask the Internal Review to consider whether this element of the response is adequate.*

*I also request that the Internal Review reconsiders the application of Regulation 12(4)(b).*

*Whilst I recognise that Regulation 12(4)(b) may be applicable where requests are genuinely manifestly unreasonable, the response does not explain whether Yorkshire Water considered any less restrictive or more proportionate means of complying with the request before refusing it.*

*In particular, the response does not indicate whether consideration was given to:*

- limiting searches to the Hebden Bridge Flood Alleviation Scheme;*
- limiting searches to the project teams or business functions already identified as having been in close consultation with the Environment Agency;*
- identifying technical assessments, engineering advice, consultation responses or project documentation without undertaking an unrestricted search of all records;*
- providing a schedule identifying relevant records by title, date and document type;*
- or providing partial disclosure with appropriate redactions where exemptions may apply.*

*Given Yorkshire Water’s own confirmation that significant assessment work has taken place, I respectfully request that the Internal Review explains why these proportionate alternatives were not considered before concluding that compliance would be manifestly unreasonable.*

*I am also concerned by Yorkshire Water’s explanation regarding meeting records.*

*The response states that Yorkshire Water does not record meeting minutes.*

*I accept that not every meeting will necessarily produce formal minutes.*

*However, this does not explain how significant technical discussions, recommendations and decisions relating to a major infrastructure project were documented, reviewed, authorised and communicated.*

*Yorkshire Water has confirmed both close consultation with the Environment Agency and significant assessment of impacts upon its asset base. Activities of this significance would ordinarily be expected to generate recorded information, whether in the form of engineering assessments, technical notes, consultation records, action logs, review comments, decision records, approvals, project correspondence, presentations or similar documentation.*

*The absence of formal meeting minutes does not, of itself, explain how those technical discussions and decisions were recorded or how accountability for those decisions is evidenced.*

*If Yorkshire Water's position is that no such recorded information exists, I respectfully request that this is expressly confirmed.*

*If such records do exist, I request that the Internal Review considers whether they fall within the scope of my request and whether disclosure, in whole or in part, is possible under the Environmental Information Regulations.*

*I also request that the Internal Review reconsiders the refusal to disclose modelling outputs under Regulation 13.*

*The response states that the modelling contains personal data. However, the response does not explain why Yorkshire Water considers that the presence of personal data requires the entirety of the modelling or technical assessment to be withheld, rather than considering whether personal information could be redacted whilst disclosing the remaining environmental information. I respectfully request that the Internal Review addresses this point specifically.*

*This response should also be considered in the context of Yorkshire Water's earlier response to EIR*

*Within that response Yorkshire Water confirmed:*

- a catastrophic water main failure in April 2016;*
- an infrastructure corridor containing multiple historic failures;*
  - B-High asset risk classifications;*
  - easements and infrastructure restrictions; and*
- significant operational information relating to infrastructure within the same geographical area.*

*EIR now confirms that Yorkshire Water undertook significant assessment of impacts on those same assets in relation to the Hebden Bridge Flood Alleviation Scheme.*

*Taken together, these responses demonstrate that Yorkshire Water holds recorded environmental information concerning its infrastructure, its assessment of potential impacts and its engagement with the Environment Agency in relation to this nationally significant flood alleviation project.*

*Given the acknowledged public interest in flood resilience, infrastructure protection, environmental management and public safety, I respectfully submit that there is a compelling public interest in transparency regarding the existence, nature and scope of those assessments.*

*For the avoidance of doubt, I am not seeking speculative commentary or the creation of new information. I am seeking recorded environmental information that Yorkshire Water has itself confirmed exists.*

*Accordingly, I request that the Internal Review specifically addresses the following matters:*

- 1. What recorded information constitutes the "significant assessment of impacts on our asset base" referred to in Yorkshire Water's response?*
- 2. If those assessments cannot be disclosed in full, why can they not be disclosed in redacted form, or alternatively identified by title, date and document type?*
- 3. What recorded information documents Yorkshire Water's technical discussions, recommendations and decision-making arising from its acknowledged close consultation with the Environment Agency?*
- 4. If formal meeting minutes do not exist, what recorded information demonstrates how technical decisions, recommendations and approvals were documented and communicated?*
- 5. Which organisational roles or business functions were responsible for reviewing, approving or endorsing Yorkshire Water's assessments and advice relating to the Hebden Bridge Flood Alleviation Scheme? I am not requesting the names of individuals, but clarification of the governance and decision-making structure.*
- 6. Why does Yorkshire Water consider that directing me to publicly available planning documents satisfies my request when those documents do not appear to contain the assessments Yorkshire Water has confirmed were undertaken?*
- 7. Please explain how the public interest test under Regulation 12(1)(b) was applied in this case, including how Yorkshire Water weighed the recognised public interest in transparency concerning infrastructure resilience, flood risk management and environmental decision-making against the reasons for maintaining the exceptions relied upon."*

## **Our response to your internal review EIR**

At internal review, we have reconsidered your original request against your points raised at internal review.

We have now completed an internal review of the handling of your request. As part of that review, we have reconsidered the scope of your request, the clarification you provided, the searches and enquiries undertaken by Yorkshire Water, the application of:

- Regulation 12(4)(a) no data held
- Regulation 12(4)(b) manifestly unreasonable
- Regulation 12(3) personal data exemption.

Following acknowledgement of your internal review, we reviewed the points raised and identified that some of the information requested related to new matters that fell outside the scope of the original request. These have been logged separately as a new Environmental Information Regulations request under reference EIR

On review, we are overturning our application of Regulation 12(4)(a) in relation to meeting minutes and instead relying on Regulation 12(4)(b). Whilst Yorkshire Water does not routinely produce minutes of these meetings, we understand that external organisations may do so. Where shared with Yorkshire Water, such minutes may be attached to, contained within, forwarded through or otherwise referenced in email correspondence. Having reviewed the volume of emails identified, as detailed below, we consider that locating, retrieving and reviewing all information that may contain or refer to such minutes would place a disproportionate burden on the organisation. Given the extent of the information captured within the scope of the request, we do not consider it reasonably practicable to comply with this element of the request in its entirety.

For the reasons set out below, the internal review upholds the original decision to rely on Regulation 12(4)(b) of the EIR on the basis that compliance with the request in its entirety would be manifestly unreasonable.

In relation to your request for:

1. Correspondence between Yorkshire Water and the Environment Agency;
2. Meeting notes or technical discussions;
3. Consultation responses; and

We undertook an initial search using specific project-related search terms, "Hebden Bridge Flood Alleviation Scheme (FAS)" and "Hebden Bridge Flood Alleviation Scheme (FAS) and Environment Agency".

These targeted searches did return some internal email correspondence from our sample but did not return anything specifically to or from Environment Agency. Based on these outcomes, and following discussions with relevant business areas, we became aware that information associated with the Hebden Bridge Flood Alleviation Scheme had not been recorded under a single project title or maintained within a dedicated filing structure. When we widened search it became clear that many different titles on email headers were used in relation to the project and that not all of these were obviously linked to the scheme. The use of specific project title alone was not an effective means of identifying all potentially relevant information.

To ensure reasonable steps were taken to identify information falling within the scope of your request, we broadened our searches using the term "Hebden Bridge" across the timeframe originally requested (2020 to 2024). This search returned in excess of one million results across approximately 10,000 locations within the organisation.

To further refine the search, we narrowed the timeframe to 2022 to 2024 and repeated the search. Despite this reduction in scope, the search still returned approximately 812,000 results.

The Hebden Bridge Flood Alleviation Scheme has involved a number of business functions over the period, including teams within Wastewater, Clean Water, Modelling, Partnerships and Operational areas. Given the absence of a central project repository, we engaged with relevant managers and colleagues across the business to identify individuals most closely involved in the project and therefore most likely to hold information within scope.

As part of this exercise, searches were undertaken against the records of key individuals identified as having significant involvement in the project.

As part of this exercise, targeted searches were undertaken against the records of two key individuals identified as having significant involvement in the project. This test sample produced approximately 1,000 records. We spent a considerable amount of time spot checking the emails that had been returned in scope of your request.

For the purposes of this exercise, the 1,000 sample was used as a representative test case. The process of conducting the searches, extracting the results, reviewing each email and any associated attachments, determining relevance to the request which totalled approximately 50 hours. This equates to an average review time of approximately three minutes per record, which reflects a high-level initial assessment and does not include any quality assurance, legal review or disclosure preparation activities.

Applying the same methodology across the estimated population of approximately 1,000,000 potentially relevant emails would result in a review requirement of approximately 50,000 hours. This figure represents the time required solely to undertake the initial relevance and does not include the additional time necessary for detailed redaction, consultation with subject matter experts, legal advice, quality assurance checks or preparation of disclosure schedules.

In considering this matter, we balanced the public interest recognising the strong public interest in transparency, flood resilience and understanding how risks to infrastructure are identified and managed. This was balanced against the burden associated with identifying, extracting, reviewing and assessing the requested information. While searches were undertaken to establish the scale of information potentially falling within scope, the principal burden arises from the extensive manual exercise required to review that information for relevance, engage with multiple business areas to understand its context and consider the applicability of any exceptions and required redactions under the EIRs. Given the volume and nature of the information identified, compliance would necessitate a substantial commitment of resources across the business. We consider that this level of work would impose a disproportionate and unreasonable burden.

We have reconsidered the application of Regulation 12(3), including whether the modelling outputs could be disclosed with personal data redacted. Having reassessed the information, we consider that the detailed modelling outputs are intrinsically linked to properties and locations. In these circumstances, the modelling information itself constitutes personal data, as individuals and properties could reasonably be identified when the information is combined with other data already available in the public domain.

We have therefore concluded that the personal data cannot be effectively removed through redaction without also removing or significantly impairing the underlying modelling outputs. We consulted with the business area, which has provided a limited high-level summary that we consider does not contain personal data. However, it is not possible to provide a more detailed response

without disclosing personal data. On that basis, we consider that Regulation 12(3) remains engaged and should be upheld.

As part of the internal review, we asked our colleagues if there is an executive summary that can be provided in response to your request following a review of the sample that was taken, please find this below in response to your EIR and questions raised. In our original response, we were informed that information in relation to your request was available in the public domain. As part of the internal review, we have been informed that enclosed consultation response was not published, please accept our apologies and find this enclosed.

### **Overview:**

#### **Project Overview Initial Aims**

The summary of the correspondence relate to the Hebden Bridge Flood Alleviation Scheme (FAS), a partnership project between Yorkshire Water, the Environment Agency, and the local authority. The project aims to reduce flood risk from multiple sources, including river flooding, surface water flooding, and sewer network impacts.

#### **Impact of the Environment Act**

A key theme throughout the correspondence is that the Environment Act significantly changed the project's direction and scope. The legislation introduced new requirements on Yorkshire Water to address storm overflow discharges and environmental performance. As a result:

- We undertook additional modelling and design work to identify solutions for managing storm overflow discharges and combined sewer overflows in the area.
- It became apparent that many of the interventions needed to improve surface water flood resilience overlapped with the infrastructure required to meet new environmental obligations.
- It became clear that it would not be possible to deliver the original scope for a combined surface water and fluvial flood resilience scheme as it would prevent Yorkshire Water from meeting statutory obligations under the Environment Act.

- Partners concluded that it was more practical and cost-effective to align surface water flood management works with future investment needed to address storm overflow discharges.
- This led directly to the decision to remove the existing surface water element of the flood scheme and adopt a phased delivery approach.

The correspondence repeatedly stresses that the Environment Act did not remove the need to address surface water flooding. Instead, it created a need to redesign how and when that work would be delivered so that flood risk and environmental improvements could be considered together.

The correspondence demonstrate that the Environment Act was the primary driver behind the decision to change the scope of the Hebden Bridge scheme. Rather than delivering an integrated river and surface water project immediately, partners agreed to prioritise river flood protection while redesigning the surface water element so that it can be aligned with future investment required to reduce storm overflow discharges and meet environmental obligations. This approach was viewed as the most feasible option technically, financially and operationally, although uncertainty remains around the funding and timing of the future surface water phase.

### **Agreed Change in Project Scope**

- Partners agreed to separate the scheme into phases rather than deliver a fully integrated solution.
- Phase 1 was to focus on reducing flood risk from rivers and will continue to progress toward a planning application.
- Phase 2 was intended to address:
  - Surface water flood risk.
  - Storm overflow and sewer discharge issues.
  - Wider stormwater management improvements.
- Communication messages were jointly developed to explain this change in approach to boards, stakeholders, and the public.

### **Modelling**

- Extensive modelling continues to be undertaken to understand the interaction between:
  - River flooding.
  - Surface water flooding.
  - The sewer network.
  - The interaction between the different systems
  - Test different river and rainfall scenarios.
  - Identify mitigation measures if required

## **Regulatory Position**

The correspondence notes that:

- Combined Sewer Overflows (CSOs) in Hebden Bridge are not currently classified as "priority" overflows under the Environment Act framework.
- Despite this, we would seek opportunities to bring investment forward where feasible within future Asset Management Plan periods.

This means that while legal obligations exist, the area is not at the front of the national investment programme compared with higher-priority locations which require investment by 2035 as deemed by the Environment Act.

## **Technical Impacts of Removing the Surface Water Scheme**

Initially the correspondence shows concern that removing the integrated surface water element could have unintended consequences:

- Initial/draft modelling indicated that in extreme flood events there could be an increased risk of sewer flooding under certain design conditions.  
Regulatory assessment focuses on a worst-case scenario combining a 1-in-30-year surface water event with a 1-in-50-year river flood event.  
Further analysis concluded that the joint probability of these two events occurring simultaneously would have a 1 in 870-year chance of occurring.

Partners therefore commissioned further joint probability analysis and scenario testing to better understand the likelihood of such events occurring together, quantify the residual risk, and identify potential mitigation measures before final

decisions are made. This work has not yet concluded but the results will be shared between partners.

**Potential mitigation measures discussed included:**

- Property Flood Resilience measures.
- Surface water attenuation features.
- Pumping arrangements.
- Penstocks and other sewer management controls.
- Additional investigations into interim protection options whilst longer-term solutions are developed.

**Communications Approach**

Partners worked extensively on shared communications messaging. The agreed position was broadly:

- The partnership remains committed to reducing flood risk.
- The Environment Act has introduced additional requirements relating to storm overflow discharges.
- Aligning flood resilience and environmental investment offers the most practical long-term solution.
- River flooding remains the most significant immediate threat and will therefore be addressed first.
- Partners will continue exploring funding and delivery opportunities for a future integrated surface water resilience programme.

If you are not satisfied with the outcome of the internal review you have the right of appeal to the Information Commissioner who can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
Web: <http://www.ico.org.uk>

Thank you for contacting Yorkshire Water.

Yours sincerely,

Data Protection Team

Email: [EIR@Yorkshirewater.co.uk](mailto:EIR@Yorkshirewater.co.uk)