

Our Ref: FOI 220913

Your Ref:

Date: 6 January 2017

Ms Fiona Cameron
[request-367928-
e97ccd87@whatdotheyknow.com](mailto:request-367928-e97ccd87@whatdotheyknow.com)
SENT BY EMAIL

Corporate Services

Information Management and
Complaints Unit
118 English Street
Dumfries
DG1 2DE

Any enquiries please contact
Information Management
Tel: 030 3333 3000
E-mail: FOI@dumgal.gov.uk

Dear Ms Cameron

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 - REVIEW

I refer to your email on 12 December 2016 in which you requested a Review of the way in which the Council responded to your request for information, specifically that the Council stated it did not have any planning applications for the land you drew to its attention.

I can confirm that a Compliance Review was held on 5 January 2017 in relation to your request.

For your information, a Compliance Review will consider matters such as whether there should be a further search carried out for information, whether any exemptions used have been applied correctly, to establish if the statutory timescales have been adhered to and, generally, to review the manner in which a request has been handled.

I can advise that the outcome of the Review is that the Council is required to maintain its original responses to you and advise that in accordance with Section 17(1)(b) of the Freedom of Information (Scotland) Act 2002, Dumfries and Galloway Council does not hold the information you have requested as there are no records on our planning system which show planning applications or permissions concerning the lands in question.

The Review however has considered that perhaps there is some misunderstanding between yourself and the Council in relation to what are 'the lands in question'. In reviewing this recent request and the previous related one which you highlighted to us; you requested as part of FOI 215523, to know 'What lands were rented by BE from Sanquhar Common Good Fund?' with a number of other related questions. A map was provided which highlighted 3 areas of land in response to your questions.

The wording of this request (FOI 220913) was:

This request under The Freedom of Information Act is a follow up to an earlier request as shown here: https://www.whatdotheyknow.com/request/financial_settlement_for_sanquha#incoming-886436. It has been noted that the lands which Buccleuch Estates acquired unlawfully from Sanquhar Common Good holdings, have been destined for development.

The searches undertaken for FOI 220913 were in relation to the lands highlighted to you in response to FOI 215523, which you referred to in submitting FOI 220913.

With regards to the additional information you provided in the email requesting your review of FOI 220913, the Review was advised that i.e. Millbank is not within the areas of land highlighted in the 3 areas marked in the map provided in relation to FOI 215523 therefore, this is out with the scope of the request. This is what has led to the suggestion that there is a misunderstanding in relation to the 'lands in question'

Whilst the outcome of the Review supports the initial response provided to you as the Council feels it has responded appropriately based on the content of your request and the supporting information you provided, it does acknowledge the potential misunderstandings there may be. Therefore, I encourage you to consider submitting a new request, clearly highlighting the areas of land you are referring to and, clearly identifying the information you are looking for.

I would hope that you are satisfied with this response and that the Council has appropriately considered and dealt with your Review. If, however, you are not satisfied with this decision, you are entitled to make representation to the Scottish Information Commissioner at:

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
KY16 9DS

Subsequent to the appeal process and the Commissioner issuing her decision, you also then have the right to appeal to the Court of Session on a point of law against the Commissioner's decision.

Yours sincerely



Aaron Linden
Senior Information Management Officer