

21 September 2022



Sally Naylor

request-881192-b99f9476@whatdotheyknow.com

Legal Services
Mail Hub
County Hall
Spetchley Road
Worcester
WR5 2NP

Dear Sally Naylor

Access to Information Request – Request no EIR2022/00208

Thank you for your request for information, which we received on 24 July 2022. Your request has been considered under the Environmental Information Regulations 2004 (the EIRs).

You asked for the following information (text in bold below). Please find below our response to each of your questions:

I understand that the landowner, the Church Commissioners for England and/or their agent(s) and/or Consultant(s), plus, Kirklees Council have been in contact with Natural England regarding soil and Agricultural Land Classifications for the above sites in the Local Development Framework (LDF), Local Plan and communications in connection with Outline Planning Permissions. Under the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, I should be pleased if you would answer the following questions and supply the requested information on Soil in its own right and Agricultural Land Classifications for all the above listed in the summary:

1. Please supply a copy of all communications and all supporting documentation.

Please find attached all relevant communications with council in a zip folder. The supporting documentation should be available on the LPA website.

Some of the information is being withheld as it falls under the following exceptions of the Environmental information Regulations 2004:

Regulation 12(3) - Personal Information

The names, signatures, and contact details of private individuals and staff members in certain circumstances are considered by Natural England to be personal information as defined by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

The First Data Protection Principle says that personal data shall be processed lawfully, fairly and in a transparent manner. Guidance published by the Information Commissioner, states that when considering fairness in relation to disclosing personal information under FOIA [and EIR] it will usually mean considering:

- whether the information is sensitive personal data;
- the possible consequences of disclosure on the individual;
- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA [and EIR] principles of transparency and accountability; and
- any legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the individuals who are the data subjects.

When personal information is collected from individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of personal information and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

2. Please provide copies of all notes, including individual officer notes both formal and informal, copies of all electronic communications, copies of all reports, and files notes of all telephone discussions and copies of all correspondence relating to this matter and any other communications between Natural England, Kirklees Council and Natural England and the landowners, The Church Commissioners for England and all their representatives.

Following a search of our paper and electronic data records we have established that no such record is held by Natural England. As such the information you requested is not held by Natural England. Therefore, EIR Regulation 12(4)(a) - information not held, applies.

3. Have there been any meetings or discussions between Natural England Officers and Natural England Officers and Kirklees Elected Members and Kirklees Officers relating to these development proposals that included any aspect of soil in its own right and Agricultural Land Classifications and if so please provide copies of all notes, including all individual Officer notes, copies of all electronic communications, copies of all reports and file notes of all telephone discussions and any other communications.

Following a search of our paper and electronic data records we have established that no such record is held by Natural England. As such the information you requested is not held by Natural England. Therefore, EIR Regulation 12(4)(a) - information not held, applies.

4. Have there been any meetings or discussions between Natural England Officers and the Landowners, The Church Commissioners for England and all their representatives, relating to these development proposals that included any aspect of soil in its own right and Agricultural Land Classifications and if so please provide copies of all notes, including all individual Officer notes, copies of all electronic communications, copies of all reports and file notes of all telephone discussions and any other communications.

We request all this information along the complete timeline to date from and including pre-planning communications for the LDF.

Following a search of our paper and electronic data records we have established that no such record is held by Natural England. As such the information you requested is not held by Natural England. Therefore, EIR Regulation 12(4)(a) - information not held, applies.

Please note Natural England highlighted the requirement of Kirklees Council to consider the loss of Best and Most Versatile Soils when allocating sites to be brought forward for development in our local plan responses. It is the responsible of Kirklees as the local authority to weigh up the loss of Best and Most Versatile soils against the benefits of sites when deciding which sites to allocate. As a result, Natural England does not enquire specifically into the loss of soils on a site-by-site basis.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the [Open Government Licence](#) you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP.

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If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your requests and wish to make a complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review.

If you are not content with the outcome of that complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review procedure provided by Natural England. The Information Commissioner can be contacted at: <https://ico.org.uk/global/contact-us/> or call on 0303 123 1113 (local rate), www.ico.org.uk.

Yours sincerely

Farah Afshan
Adviser – Access to Information
Legal, Governance and External Affairs

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