

DARTMOOR NATIONAL PARK AUTHORITY



Environmental Information Regulations 2004

DECISION NOTICE

Applicant: Ms Lindsey Drey

Subject of request: Whitecleaves Quarry

Can you please detail what specific information, meetings, emails, texts, letters or other personal contacts led Dartmoor National Park Authority to withdraw its opposition to the Gilpin Demolition/MVV Umwelt application for an incinerator bottom ash processing plant in Buckfastleigh?

Date received: 1 May 2012

Date response due: 29 May 2012

DECISION

1. Duty to Confirm or Deny

- 1.1 The Authority confirms that it holds information concerning consultation on a planning application for determination by Devon County Council in respect of Whitecleaves Quarry, Strode Road, Buckfastleigh (Application DCC/3242/2011)

2. Disclosure

- 2.1 The Authority herewith discloses the information requested:

- The Consultation by Neighbouring Local Authorities report presented to the Authority's Development Management Committee on 7 October 2011 in respect of Whitecleave Quarry.
- The Authority's original letter of response to Devon County Council dated 7 October 2011.
- Email correspondence between the Authority's Ecologist and the Environmental Consultant for Scott Wilson Ltd regarding barbastelle bats.
- A letter from Scott Wilson Ltd to Devon County Council dated 10 January 2012 regarding barbastelle bats

- A paper entitled 'Extracts from Dartmoor Report 2009 on Fly by Night – barbastelle Radiotagging Research Project, Matt Zeale'
- A letter from Devon County Council dated 8 March 2012 advising that additional environmental information had been received in respect of the application.
- Email correspondence between the Authority's Ecologist and the County Ecologist at Devon County Council dated 4 April 2012.
- The Authority's Ecologist's updated response in respect of the additional environmental information mentioned in the above letter, dated 11 April 2012.
- Email correspondence between the Authority's Ecologist and Devon County Council between 11 April and 17 April 2012.
- The concluded Habitat Risk Assessment from Devon County Council
- Email correspondence between the Authority's Director of Planning, Ecologist and Buckfastleigh Community Forum dated 18 April 2012.
- Documents entitled 'Whitecleaves Quarry: assessment of mitigation plans to protect greater horseshoe bats' and 'Comments in relation to Bat Observation' produced by the Professor of Animal Ecology and Conservation, University of Leeds
- A letter from the Authority's Chief Executive/NPO and Buckfastleigh Community Forum dated 23 April 2012.
- Email correspondence regarding the possibility of Deptford Pink at Whitecleave Quarry dated 24 April 2012.
- The Landscape and Ecological Management Plan and Appendices (the updated Habitats Monitoring and Mitigation Report)

3. Non-Disclosure with reasons

- 3.1 In accordance with Regulation 13 of the Regulations, the personal data of third parties has been redacted from the documents provided. The information is exempt from disclosure as the disclosure of it would breach the first data protection principle in the Data Protection Act 1998 ("the 1998 Act").
- 3.2 The first data protection principle requires that the processing of personal data is fair and lawful. The Authority's view is that it is unlikely that the individuals would have had any reasonable expectation that their personal data would be revealed to a third party. To release the information now would amount to unfair processing.
- 3.3 In accordance with Regulation 6 of the Regulations, the Authority declines to provide information that is already publicly available and accessible to you either online or by inspection in person. This relates to:
 - The principal documents relating to planning application DCC/3242/2011, specifically the additional environmental information referred to in the letter from Devon County Council dated 8 March 2012. These are available on

the Devon County Council's website at
<http://www.devon.gov.uk/appref?id=3919>

- 3.4 Regulation 12(4)(e) of the Regulations allows public authorities to refuse to disclose information to the extent that the request involves disclosure of internal communications. This relates to draft documents and internal emails. The communications provide private thinking space for officers to record their on-going assessment of the situation and their views on evidence and witnesses. There is a strong public interest in allowing officers to record their opinions and assessments freely, whether or not they are their final or settled opinions or those of the Authority. The Authority considers the public interest in non-disclosure to outweigh the public interest in disclosure.

YOUR RIGHTS

Regulation 5 of the Environmental Information Regulations requires a public authority to make information held available on request. A request for information must be dealt with before the expiry of the 20 day period starting on the day after a valid request is received and the appropriate fee is paid.

If you are aggrieved by the Decision and/or by the way you have been treated by any Officer of the Authority you should put your complaint in writing, marked "*Private and Confidential - Complaint*" to The Chief Executive (National Park Officer) Dartmoor National Park Authority, Parke, Bovey Tracey, Newton Abbot, Devon. TQ13 9JQ.

You can complain to the Information Commissioner on any of the following grounds:

- failure to provide the information you requested
- failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed)
- failure to give you proper advice and assistance
- failure to give information in the form in which you requested it
- failure to properly explain any reasons for refusing the request
- failure to correctly apply an exemption under the Act

The Information Commissioner recommends that firstly, you should complain directly to the public authority itself. Only if the authority has no complaints procedure, or if you do not believe it has dealt with your complaint properly, should you contact the Information Commissioner. You should do this as soon as possible and in any case within two months following the final response of the public authority.

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF