

EIR Request (received 08 July 2021) - Reference: DFI/2021-0255

Proposed Kells Solar Farm LA03/2015/0234/F.

Under Freedom of Information please supply copies of all communication between DfI Planning Service and Elgin Energy/RPS and their legal representatives, Carson McDowell / William Orbinson. Information requested is from 4th June 2019 to 7th July 2021.

Information to include dates, times and content of all communication to include e mails, telephone calls, meetings both remote and physical, and any other contact or communication whatsoever with the applicant, Elgin Energy Esco Ltd., or any party representing or acting on behalf of Elgin Energy or any subsidiary company in relation to the planning application and or the PAC hearing or any other matter.

Response (issued 05 August 2021)

Thank you for your email dated 8 July 2021 requesting information held by this office, under the Freedom of Information Act 2000 (FOI) relating copies of all communication between DfI Planning Service and Elgin Energy/RPS and their legal representatives, Carson McDowell/William Orbinson in relation to planning application LA03/2015/0234/F and or the PAC hearing or any other matter.

In considering your request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FoI. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access environmental information held by public authorities.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

Your reference to DfI Planning Service has been interpreted as DfI Strategic Planning Directorate who was responsible for determining the planning application.

In response to your request, I can confirm that the Department for Infrastructure does hold information related to your request. As EIR relates to public rights of access to information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public.

Following consideration of the public interest in this case, I attach all information held that is suitable for disclosure to the public. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted for the following reason.

The redacted information constitutes third party personal data within the meaning of the Data Protection Act 2018 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2, 3 or 4 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles (Article 5(1) General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information.

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