

# Case study



www.itspublicknowledge.info

Local landowner seeks environmental information about his property, in relation to the development of the Aberdeen West Peripheral Route

Mr James Grant asked Aberdeen City council for a copy of a District Valuer's Report for his property, which is located along one of the potential routes for the Aberdeen West Peripheral Route (AWPR). Mr Grant and his wife had already been shown a full copy of the report in a previous meeting with the Council.

However, the Council refused to provide a copy of the report, claiming to do so would 'prejudice the effectiveness of public affairs' (in other words, interfere with the council's ability to do its job), and Mr Grant decided to appeal to the Commissioner.

The Commissioner's view was that the information was in fact environmental information, as it related to policies and plans which would have a direct effect on land use and landscape (i.e. the building of the AWPR). Access to environmental information is dealt with by the Environmental Information (Scotland) Regulations 2004 (the EIRs). The Council conceded that the information was environmental and went on to withhold it on the grounds that it related to incomplete data, and that it was internal communications (both of these are 'exceptions' which can be used to withhold information under the EIRs).

The Council argued that the data was incomplete on the basis that the report was opinion not fact, and so may be reassessed following the public enquiry into the AWPR. However, the Commissioner concluded that while the AWPR preferred route is a work in progress, the report being requested was a completed document.

The Council's argument that the report was 'internal communications' was based on the close partnership between the District Valuer and the Council, both working as partners on the AWPR project team. The Commissioner did not accept that the relationship between the two organisations in this particular case was such that communications between them could be viewed as internal.

Therefore the Commissioner ordered that the Council to release a full copy of the report to Mr Grant.

**Download full decision here:**

Mr James Grant and Aberdeen City Council

<http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2008/200701795.asp>

**For more information contact the Policy & Information team on 01334 464610.**