

From: "Tony Hawkins" (a.hawkins@btconnect.com)

To: (FOI@snh.gov.uk);

CC:

Date: 08-04-2009 09:29:27

Subject: Seeking Information

Message: About one year ago I asked SNH for a copy of a report produced for SNH in 2005 on the state of freshwater pearl mussels within the River Dee SAC (Aberdeenshire).

I was subsequently contacted by telephone by an SNH representative and told that I could not have a copy of the report, as it would divulge to me information on the distribution of freshwater pearl mussels. This information could not be allowed to get into the public domain as there was a risk of people using the information to fish for mussels. I explained that I was an aquatic biologist (and former head of fisheries research in Scotland) and that I was willing to sign an undertaking not to reveal this information to others. I also pointed out that a copy had been obtained by Jacobs Babbie, the consultants advising Transport Scotland on the Aberdeen Western Peripheral Route (AWPR), a road which would cross the Dee SAC and put the mussels at risk. Nevertheless I was refused access to the report.

The lack of the report on freshwater pearl mussels impeded the case being made by Road Sense against the road crossing the Dee at the Public Inquiry into the AWPR. I am currently preparing a complaint under the Aarhus Convention in relation to this issue. I am therefore contacting SNH again to ask for the information I originally requested together with additional information.

My request is being made under the Freedom of Information Act Scotland, and the Environmental Information Regulations and under the Aarhus Convention. I am requesting any reports and information in the possession of SNH (since January 2005) in relation to the state of freshwater pearl mussels within the Aberdeenshire Dee SAC, including the minutes of any meetings, or any internal correspondence in relation to the state of freshwater pearl mussels within the Dee. I am also requesting copies of any correspondence, minutes of meetings, reports and other information which may have been exchanged since July 2008 between Transport Scotland and its agents for the AWPR (including Jacobs Babbie and the Managing Agents) in relation to the AWPR crossing of the Dee SAC, including any information with respect to an Appropriate Assessment for the crossing, or in relation to derogations or licenses under the Conservation (Natural Habitats etc) Amendment (Scotland) Regulations 2007 (2007 No. 80) to allow the AWPR to be constructed despite the damage it will cause to otters and their places of shelter and bats and their places of shelter.

I also seek any information including letters, emails, minutes of meetings or reports exchanged between SNH and the Scottish Government (including any department dealing with licensing under the Conservation (Natural Habitats etc) Amendment (Scotland) Regulations 2007 (2007 No. 80)), exchanged since July 2008, with respect to the licensing of activities in relation to otters and bats along the line of the proposed AWPR, or in relation to the preparation of an Appropriate Assessment under the Habitats Directive for any work associated with the AWPR.

Thanking you in advance for your cooperation

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Attachments: