

Professor A D Hawkins  
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AB12 5YT

Our ref: CNS TR AWPR

11<sup>th</sup> May 2009

Dear Dr Hawkins

### **Aberdeen Western Peripheral Route (AWPR) – Freedom of Information Request**

Thank you for your email request for information regarding copies of information in relation to the AWPR including:

1. Information on freshwater pearl mussels within the River Dee SAC, particularly the 2005 Report on freshwater pearl mussels in the River Dee SAC (Aberdeenshire), previously requested on 15<sup>th</sup> July 2008. Also any reports and information in the possession of SNH (since January 2005), in relation to the state of freshwater pearl mussels within the Aberdeenshire SAC, including any minutes of any meetings, or any internal correspondence in relation to the state of freshwater pearl mussels within the Dee.
2. Copies of any correspondence, minutes of meetings, reports and other information which 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 licences under the Habitats Regulations.
3. Lastly, copies of information including letters, emails, minutes of meetings or reports exchanged between SNH and the Scottish Government – including any department dealing with licensing in relation to otters and bats along the lines of the proposed AWPR or in relation to the preparation of an Appropriate Assessment under the Habitats Regulations for any work associated with the AWPR since July 2008.

Your request has been considered under the Environmental Information (Scotland) Regulations 2004.

#### Freshwater Pearl Mussel Information

Regarding your specific request for information on freshwater pearl mussels to include both the report previously requested and reports since 2005, please note all the reports held by SNH contain precise locations of freshwater pearl mussels; as you are aware they have a high risk of persecution, SNH has therefore determined that locational data on freshwater pearl mussels cannot be released. We consider that this locational information comes under the terms of Regulation 10(5)(g) of the Environmental Information (Scotland) Regulations 2004. We are concerned that any release of this data could increase the risk of persecution. If SNH was to release this data to you we would also be obliged to release it to any other person who asked for it, reducing the current level of protection afforded to fresh water pearl mussels in the River Dee.

We have considered again your request to release this information. Having reviewed the matter we are of the opinion that there has been no change in circumstances and to release this information is likely to prejudice substantially the protection of the freshwater pearl mussels to which the information relates.

European Protected Species

I enclose information as requested in relation to exchange of correspondence since July 2008; a summary of this information is attached as an annex to this letter. You will note from this list no exchange of correspondence etc. has occurred between SNH and the Scottish Government in relation to potential derogations under the Habitats Regulations in relation to European protected species (otter and bats).

If you are dissatisfied with how we have responded to your information request, please write to us at Battleby, Redgorton, Perth, PH1 3EW or email us at [foi@snh.gov.uk](mailto:foi@snh.gov.uk) . Our Director of Strategy and Communications, John Thomson or his nominated delegate will carry out a review of our response and provide an outcome within 20 working days.

If you are not satisfied following this, you can make an appeal to the Scottish Information Commissioner. The Scottish information Commissioner can be contacted at:

Scottish Information Commissioner

Kinburn Castle

Double Dykes Road

St Andrews

Fife

KY16 9DS

Telephone: 01334 464610

<http://www.itspubcknowledge.info/>

Yours sincerely

## Annex

List of correspondence attached to this letter.

1. SNH Response to Transport Scotland with Natura proforma attached 8<sup>th</sup> August 2008.
2. AWPR Report, November 2008. Survey results for the International School: Bats. Jacobs Babbie.
3. AWPR Report, November 2008. Northern Leg and Southern Leg (from Cleanhill Junction to Kingswells) Detailed Ground Investigations Environmental Report. Jacobs Babbie.
4. SNH Response to 2009 GI works proposal. 6th February 2009.
5. AWPR Report, February 2009. Species Management Plan: European Otter. Jacobs Babbie.
6. AWPR Report, February 2009. Species Management Plan: Bats. Jacobs Babbie.
7. Draft Application for a Licence to destroy a bat roost, International School of Aberdeen, Milltimber. February 2009. Jacobs Babbie.
8. Draft Licence Application for European Otter: Goyal Burn. Supporting information for a licence application to destroy an otter holt and two associated couches. February 2009. Jacobs Babbie.

Please note items 6-8 were received on 8<sup>th</sup> April 2009. No responses have yet been provided to Jacobs / Transport Scotland on items 5-8.

