

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Dear David Nairn,

Thank you for your request dated 16 February 2018 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You requested:

“can you please tell me how to access the MS planning and licensing documents in connection with proposed Hunterston oil rig and other developments.

I am aware of the planning documents lodged with local authority but would like to know if MS has any other material relating to this and future planning proposals for the site?”

You clarified that what you are “looking for is the MS planning portal, similar to local authorities, where i can read the proposals, assessments and documents related to the Hunterston developments.”

Response to your request

I enclose a copy of most of the information you requested.

The answer to your question is: Marine Scotland does not have a portal, however some information can be found on the Scottish Government website.

Some of the information you have requested is available from the Scottish Government website at the following location:

<http://www.gov.scot/Topics/marine/Licensing/marine/current-construction-projects/HunterstonYard/ScreeningOpinion>. Under regulation 6(1)(b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exceptions under regulations 10(4)(d) (unfinished or incomplete information) and 11(2) (personal data) of the EIRs apply to that information. The reasons why these exceptions apply are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to The Director of Marine Scotland, Area 1B South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ, or by emailing Directormarinescotland@gov.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Peter Millar
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ANNEX

REASONS FOR NOT PROVIDING INFORMATION

Exceptions that apply

Exceptions under regulation 10(4)(d) and 11(2) of the EIRs apply to some of the information you have requested.

Unfinished or incomplete information

An exception under regulation 10(4)(d) of the EIRs (unfinished or incomplete information) applies to some of the information you have requested because it is an unfinished document.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release as part of open, transparent and accountable government. However, this is outweighed by the public interest in ensuring that unfinished or incomplete information which is still being worked on or is under active consideration is not disclosed when it might misinform

the public or give a misleading impression of the Government's view or position on the matter to which the information relates.

Personal data

Regulation 11(2) – personal data

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.