



Department
for Environment
Food & Rural Affairs

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Email only

Our ref: RFI 6640
Date: 01 July 2014

Dear

REQUEST FOR INFORMATION: Rhydymwyn site Building 45

Thank you for your request for information about *Rhydymwyn site Building 45*, which we received on 05 June 2014. As you know we have handled your request under the **Environmental Information Regulations 2004** (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Dealing with the information requested in the order requested;

1. I would like further information (e-mails, letters and telephone notes) that support the assertion @ 2.2 of Item 2 in your reply specifically concerning "the retention of building 45 as a bat roost" including when was building 45 designated as a bat roost.

*This information has already been released under "Reference RFI6629" and is available on Gov.uk at the following link
<https://www.gov.uk/government/publications/former-valley-works-at-rhydymwyn>.
As the information is reasonable accessible to you by other means, it is exempt from disclosure under Section 21 of the FOIA. Your request to this question has there been refused.*

2. Also @ 2.4 paragraph 4 beginning "Activities within building 45 have the potential to....." What activities and on what occasions does this refer to?

This refers to any activities that have the potential to disturb a protected species under the definitions set out in the legislation. The Department does not keep detailed records of occasions that have the potential or have caused disturbance.

3. In light of your reply, can you please confirm that all matters concerning ecology at the Rhydymwyn site are managed on your behalf by North East Wales Wildlife and that they are the current interface with Natural Resources Wales.



North East Wales Wildlife currently manages ecology issues on behalf of the Department at the Rhydymwyn site and interface with Natural Resources Wales. The Department also liaises directly with Natural Resources Wales when necessary.

4. Could you please state the exact dates during which building 45 has been closed due to alleged bat occupation since 2005 up to 2014.

The Department does not hold detailed records of this, but the attached documents give some indication of closures.

5. Could you please state *a.* which bodies produced the "Bat protocol", *b.* who approved it, *c.* on what date was the protocol was first implemented and *d.* how often are the protocol details reviewed.

- a. The Bat Protocol was produced by North East Wales Wildlife.*
- b. The Protocol was approved by Natural Resources Wales, WG and Defra with no comments received from CADAW and Flintshire County Council.*
- c. The Protocol was implemented on 4 April 2012.*
- d. The Protocol has not been reviewed to date.*

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

Please find attached Annex A, which explains the copyright that applies to the information being released to you.

Also attached is Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact us.

Yours sincerely

Defra Estates Correspondence
E mail: estates.correspondence@defra.gsi.gov.uk

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF