



# Ministry of Defence

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Ref. FOI 2022/05288

Dear [REDACTED],

22 June 2022

Thank you for your further email of 25 May 2022 requesting the following information:

- "1) Could you check again please re the details of the council you sought advice from - Palace Barracks is in the area covered by Ards and North Down Council.  
2) Also would it be possible to get a copy of the bat/biodiversity reports please?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm that some information in scope of your request is held. The information you have requested can be found below and attached at Annex A

For ease of reference, I have numbered your request for information:

- 1) Could you check again please re the details of the council you sought advice from - Palace Barracks is in the area covered by Ards and North Down Council.

Please accept my apologies, the response provided to you for question three of your previous FOI request (ref FOI2022/05288) was incorrect. The correct response is below:

MOD Officials consulted with Ards and North Down Council regarding the removal of trees, who confirmed these works fell within permitted development. None of the trees had Tree Preservation Orders and as the area was under 0.2ha, there was no requirement for a tree felling licence.

- 2) Also would it be possible to get a copy of the bat/biodiversity reports please?

Information not held.

Under Section 16 of the FOIA (Advice and Assistance) you may wish to note that there is no report specifically named bat/biodiversity report, however, please find a report of a similar nature; *Ecological Constraints Report - technical note*, attached at Annex A.

However, I can advise that some of the information in scope of your request falls entirely within the scope of the exemption provided for at Sections 40 (Personal Data) of the FOIA and has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018. Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the third-party personal data identified in the attached information.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made in writing within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

DIO Secretariat