



Ein cyf/Our ref ATISN 11108

4 April, 2017

Dear ,

Request for Information – ATISN 11108

I wrote to you on 13 February regarding your request for information. Please accept my apologies for the delay in providing you with this response. You asked for information relating to the A40 Llandeilo Departure from Standards. Specifically:

1. For 2015, Agendas for the Departures from Standard Panel Meetings.
2. Minutes, Notes, Documentations and Correspondence regarding the two meetings of the DfS Panel which met initially to refuse and subsequently approve the departure from standard identified above. (The original request for a DfS may be recorded under another reference).

I can confirm that we hold information relating to your request which has been enclosed below. I have concluded, however, that some of the information is exempt from disclosure under section 40 – Personal Information of the Freedom of Information Act 2000 (FOIA). Personal details have been redacted. Full reasoning for applying this exemption is provided at Annex A.

Regarding question 1, I can confirm that the Technical Review Panel reviewed the Departure from Standards for the A40 Llandeilo on 14 July and 10 November 2015. I have not included the whole agenda as the other agenda items for discussion are not relevant to your request. Please see below the extracted agenda items relevant to your request:

(14 July) 13:45 - A40 Llandeilo - 1 departure application - Presented by

(10 November) A40 Capel Issac (1 departure) – Departure Owner – Presentation required. 4 pm – 4.15pm



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Regarding question 2, other items were discussed during the two meetings therefore below I have provided the extracts relevant to your request only.

Extract from Technical Review Panel Meeting – 14 July 2015

1. A40 nr Llandeilo - 1 departure (to be numbered). present.

1.1 said the departure sought to improve visibility for drivers exiting a minor road at the A40 Capel Issacs Junction, about 3km west of Llandelilo. The departure is linked to a planning application from a poultry farm where the increase in business will double, from 1 to 2, HGVs leaving the farm and turning left from the county road onto the A40 where the current visibility is 2.4m for the manoeuvre. The A40's north side average daily flow is 220 vehicles.

1.2 said he had previously refused the planning application. The agent acting on behalf of the farm owner had responded with these proposals to improve the junction if it meant approval for the planning application. A wider turning radius was proposed by retreating the existing hedge at the junction. This would increase the visibility fourfold for vehicles turning left and would mean only minor encroachment into the opposite carriageway by left turning HGVs. At present this manoeuvre had HGVs crossing both carriageways.

1.3 said if the hedge line was taken back a bit further there would be no HGV encroachment. With vehicles on the trunk road doing 60mph there could be significant conflict with HGVs turning across the double white centre line. said there was a maintenance issue in maintaining the repositioned hedge. Unchecked growth would reduce visibility again. Giving the junction a STOP line would also increase safety. The Panel agreed a STOP line should be introduced to replace the current GIVE WAY. said though the proposals were on a county road, Carmarthenshire County Council regarded the improvements as a trunk road matter.

1.4 said as a 4 step departure the applicant had to demonstrate that consideration had been given to further hedge take, or explain why the hedge could not be moved any further back. A risk assessment was also required for a 4 step departure. It also was noted that it was not for the applicant to improve the trunk road network though their proposals do have an impact on it.

- **ACTION** – to feedback Panel comments to the agent concerning a possible increase in the visibility splay by pushing the hedge further back whilst also seeking overall cost details.
- **ACTION** – location improvements to also include making the side road a STOP junction.

Extract from Technical Review Panel Meeting – 10 November 2015

5. A40 at Capel Issacs, Llandeilo. 1 departure - DFS/075/15. present.

5.1 The Panel noted the departure was first considered at the 14 July 2015 meeting. said the amended departure meant the radius was sufficient to allow HGVs to be fully accommodated in the A40 eastbound lane, when turning left onto the Trunk Road.

Although there were only 2 HGV movements per day it was considered a necessary safety improvement.

- **ACTION** - The Panel signed off the departure for it to be passed to the Head of Asset Management Network Management Division for approval.

No further information has been located relating this request. Please note we have not included any correspondence/information which has been disclosed to you in relation to previous requests or queries.

You may wish to know that the full departure form with comments is on the public record on Carmarthenshire's planning portal -

<http://online.carmarthenshire.gov.uk/eaccessv2/search-reference.aspx>

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or FreedomOfInformationOfficer@wales.gsi.gov.uk.

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex A

ATISN 11108 – Application for Exemption

Section 40(2) – Personal Data

Section 40(2) of FOIA requires third party personal data to be withheld in circumstances where its disclosure would breach any of the data protection principles set out in Schedule 1 of the Data Protection Act 1998 (DPA).

We consider that disclosure of this personal data would breach the first data protection principle. The first data protection principle requires that processing of personal data must be fair and lawful, in particular, that it should not be processed unless one of conditions set out in Schedule 2 of the DPA is met.

In determining whether disclosure would contravene the first data protection principle, we have considered whether disclosure would amount to fair and lawful processing of those individuals' personal data. The individuals concerned do not have public facing roles. We consider that those individuals would be under reasonable expectation that their information would remain confidential and not disclosed to the public at large. As such, we do not consider that disclosure of the withheld personal data would be fair.

Guidance from the Information Commissioner's Office (Personal information (Section 40 and regulation 13) v1.0 states:

“The public authority must decide whether it would be fair to disclose the personal data. If the public authority concludes that it would not be fair, then it must not disclose the information in response to the FOIA request”

In this instance, because the individuals would have had no expectation that their personal data would be released into the public domain, we believe that release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under Section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to public tests.