

19 August 2024

Dear

Request for Information – ATISN 19723 (Map Modification Order / Wildlife & Countryside Act 1981 Section 53 - Tredomen, Caerphilly).

Thank you for your correspondence received by Welsh Government on 25 July 2024.

Your request for an internal review centred on our response to ATISN 19723 and confirmation no Inspector notes were held for before, during or after the above Map Modification Order.

I have considered your complaint in accordance with the procedure outlined in [Requesting information from the Welsh Government](#) which is available by post on request or via the internet.

I have concluded your complaint is not upheld.

I can confirm that Policy Inspector notes are not considered part of a case file and are therefore only held for a period of 3 months after a decision (in line with the Welsh Governments retention and disposal schedule). The exception to this may be where a Rights of Way case is subject to proposed modifications which can in turn lead to a further inquiry – notes in these instances would again be held for a period of 3 months after a final decision.

With regard to the above case, I can confirm there was no further inquiry and in light of the time that has passed, the original set of notes are no longer held.

Please find following a response to the further questions you submitted on 30 July 2024 which are provided on behalf of PEDW.

- Could the Planning inspectorate provide me with the guidance on record and note keeping by officers and staff during detailed investigations and rights of way process and appeals process.

Chapter of Inspector's training manual attached.

- Who decides when notes can be destroyed?

Notes are destroyed in line with WG Retention and Disposal policy

- Is it the case that Inspectors are allowed to destroy sensitive information even before the potential legal process stages are not yet over?

No. They are advised to keep notes for 3 months from the date of the

decision. This period allows for a claim for judicial review to be made. If a judicial review is not made in this period, any notes can be destroyed.

- Is it correct that a planning inspector can make a decision on a claimed right of way without walking it or seeing the route?

The Inspector who held the original inquiry and made the interim decision, made a site visit and walked part of the route. The Inspector who was appointed to make a decision on the proposed modifications to the Order was not required to walk the route as the interim decision had already concluded that the Order be confirmed.

- How would a planning inspector be contacted for witness purposes if they have left your employment? Is there a formal route of calling?

An application can be made to the Courts for a Witness Summons to be issued. This could be directed to PEDW.

If you remain dissatisfied with this response you 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

Telephone: 0303 123 1113
Website: www.ico.org.uk

Yours sincerely,