

Date: 5 September 2024
Our ref: 5284908
Contact: Sinead Johnson
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Mr Dom MacDougall
Persimmon Homes

Development and Environment - Information requests
North Somerset Council
Town Hall
Weston-super-Mare
BS23 1UJ

DX 744900 Clevedon

Dear Mr MacDougall

Environmental Information Regulations 2004

This request is being handled under the Environmental Information Regulations 2004. I can confirm that North Somerset Council holds the information you requested. However we are withholding that information since we consider that the following exceptions apply to it.

The information is exempt from disclosure under the exception in Regulation 12(4)(b) of the Environmental Information Regulations (EIRs). The request has been assessed as being “manifestly unreasonable”. When determining whether a request for information is manifestly unreasonable, a public authority should consider whether a request is likely to cause a disproportionate cost or burden, or an unjustified level of distress, disruption or irritation. To help us reach this decision we have completed an assessment of the time it would take to comply with your request.

The first step taken to deal with your request involved locating the relevant correspondence by conducting an automated email search using key words. The results from this search was vast and contained 1080 records. We have considered the resource required to go through each record to see if it (a) falls within the scope of the request and (b) if any other exemptions may be required would take in excess of 30 working hours. We have considered the impact this would have on the team’s ability to perform their usual duties and have found that this would indeed be a considerable burden of the processing and handling of planning applications and appeals.

The ‘Fees Regulations’ stipulate that a cost estimate must be reasonable in the circumstances of the case. The limit given for local government is £450. The Fees Regulations also state that public authorities must assess the cost of time spent on responding to a request at £25 per hour. For the £450 limit, this equates to 18 hours of work.

We identified 1,080 records from the email search as potentially falling within the scope of your request. We have estimated that it would take more than approximately 30 hours to fulfil the request, this equates to £750, which exceeds the reasonable limit.

In addition, we have considered how prioritising this request and taking officers from performing their usual duties would affect the team directly. The current staffing of the Strategic Developments Team (i.e. that deal with major applications) is 6.49 FTE. Planning policy is 8.89 FTE but 1.5 of those are specifically dedicated to managing the Community Infrastructure Levy. Overall, the planning team (including minor applications team) is about 25 staff. Their core duty is determining planning applications and associated planning conditions, and monitoring compliance thereafter. In addition, this request would need to be looked at by those who dealt with the team manager, specific case officer and planning policy lead, as well as by some of the relevant specialists from other teams. The work is unfortunately unable to be fielded out to other officers because they will not have the

knowledge of the subject to make the necessary judgements. We have determined that temporarily offloading other work to make time to review and extract the relevant information pertaining to this request is not possible because planning applications are extremely complex and need as much as possible to be dealt with by the same officers throughout.

Planning applications are required to be determined within nationally set timelines and the council are measured on performance against those deadlines. We have considered the affect responding to the request would have on the council and have found the public interest to disclose the information is outweighed by the burden caused to assess the information and the impact it will have on officers being able to deliver services – in this case delaying processing of other planning applications and indeed divert officers from being able to properly prepare for the appeal.

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure

There is a general public interest in openness and transparency of public authorities.

It is important that environmental information is made available to the public where appropriate.

Disclosure of information enables the public to better understand how public authorities run and how they are managing the functions given to them.

Factors in favour of withholding

The public interest in the council's ability to perform its official functions outweighs the public interest in the task involved with retrieving and extracting the requested information.

The public interest in processing other applications within statutory timescales outweighs the public interest in providing resources for a private entity to use for its appeal case.

The public interest is more in favour of allowing planning officers to properly prepare the council's case for the appeal, particularly where it involves a large and complex planning application.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This response therefore acts as a refusal notice under regulation 14 of the Environmental Information Regulations.

North Somerset Council recognises Regulation 9(1) of the Environmental Information Regulations which requires public bodies to consider what assistance we can reasonably provide. For us to reconsider whether we are able to provide you with any information, we therefore would suggest narrowing the scope of your request and reduce the time period as this would allow us to use more specific search times and hopefully identify fewer records.

North Somerset Council now considers that it has complied with your request. However, you have a right to appeal if you are dissatisfied with our response. Requests for an internal review must be made in writing, and within 40 working days of this response being issued to you. When requesting an internal review, please include your reference number, the date of your original request and your contact details. Please also include an explanation of why you are dissatisfied with our response. Requests for an internal review should be sent to foi@n-somerset.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:
The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Phone: 0303 123 1113
Website: www.ico.gov.uk

I will now close your request as of this date.

Yours sincerely

Sinead Johnson
Senior Information Governance Officer