



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Further to your information request FOI/EIR 22/23-245 please find your question and our response below.

Request:

Please confirm whether East Cambridgeshire District Council holds information that relates to any planning Pre-Application made since 1.01.2022 which refers to Malting End, Kirtling, Newmarket CB8 9HH. If so, please provide me with a copy of such information in electronic form.

In the event that any such information is not disclosed to me, in whole or in part, please specify on what legal basis it is withheld including the specific exemptions relied as provided for in the Freedom of Information Act 2000.

Response:

Pre-planning advice requests, unlike planning applications, are not subject to the normal reporting of plans. Pre-planning advice requests are provided to us voluntarily and we therefore refuse this request under the EIR exception stated below:

a) Claim exception under Sections of the Act:

Exception 12 (5) (f) Voluntary Provided Information

b) State why the exception applies:

- (f) ***the interests of the person who provided the information where that person –***
- (i) ***was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;***
 - (ii) ***did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and***
 - (iii) ***has not consented to its disclosure;***

As these exceptions are qualified, we are obliged to outline the harm in disclosure and explain why we consider that the public interest in maintaining the exception outweighs the public interest in disclosure:

- The central public interest in the exception being maintained, is that individuals and organisations should be able to seek advice from their planning authorities on a confidential basis.
- A disclosure of the information prior to a formal application being received may result in objections being received to plans which have not been formally submitted, and potentially alert competitors to development plans within the area.

In order to help us reach this decision we used ICO Decision Notice Reference FER0496223:

https://ico.org.uk/media/action-weve-taken/decision-notices/2013/907436/fer_0496223.pdf

We therefore neither acknowledge nor deny any pre-application enquiries that we receive.

This concludes your request FOI/EIR 22/23-245

If information has been refused please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.