

11<sup>th</sup> December 2008

Ms Helen Samuel  
Email: [request-4280-d421f79e@whatdotheyknow.com](mailto:request-4280-d421f79e@whatdotheyknow.com)

Dear Ms Samuel

### **Request for Information – Newbridge Park and Ride**

I write in response to your recent information request, reproduced below for your reference. Your request has been assessed under the Environmental Information Regulations 2004 (EIR) and we can now respond as follows.

*1. That a full consultation has been carried out in the Newbridge area regarding the expansion of the Newbridge Park & Ride.*

I have today posted a copy of this information to your home address.

*2. Inspectors' reports substantiating the claim that the current proposal is the only one possible and that all other possible sites were unsuitable and why.*

This information is contained within the Bath and North East Somerset Local Plan, Inspector's Report May 2006. This document is available on the Council's website at the following location:

<http://www.bathnes.gov.uk/BathNES/environmentandplanning/planning/localplans/bathnesomersetlocalplan/Local+Plan+Inspectors+Report.htm>

*3. Environmental and ecological reports on why greenbelt land is suitable for such a scheme.*

I can confirm that the Council holds this information. The reports are currently at draft stage, and the Council's determination is that they are exempt from disclosure under section 12(4)(d) of the EIR. This section of the regulations provides an exemption to the disclosure of information which is still in the course of completion, to unfinished documents or to incomplete data.

This exemption is subject to the public interest test, which we have concluded favours withholding the information at this time. Please refer to the Appendix of this letter, for the detailed reasoning behind the application of Section 12(4)(d) of the EIR.

If you have any further queries please do not hesitate to contact us.

If you are unhappy with the response to your request, you may ask for an internal review. Please contact the Council's Head of Audit, Risk and Information, Mr Jeff Wring at the Guildhall, High St, Bath BA1 5AW [mailto:jeff\\_wring@bathnes.gov.uk](mailto:jeff_wring@bathnes.gov.uk).

If you are not content with the outcome of the internal review, you have the right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).

Kind regards,

Amanda Osborne  
Information Compliance Manager

## Appendix 1

### Detailed reasoning behind the application of Section 12(4)(d) of the EIR

#### Factors for withholding

In July 2008 the Information Commissioner, issued a Decision Notice in respect of the disclosure of a draft report by the Nuclear Decommissioning Authority (ref FER0178729). The Commissioner stated in his Decision that section 12(4)(d) of the EIR is 'akin to the exemption contained at section 22 of the FOI Act in that it is designed to exempt information that is essentially intended for future publication'. The Council is intending to publish the reports when the Planning Application for the Bus Rapid Transit and Newbridge Park and Ride Expansion is submitted in early 2009.

Also within his official guidance on this section of the EIR, the Commissioner states that 'public authorities must consider whether the disclosure of the information would be misleading because incomplete'. The Council's determination is that disclosure of incomplete and potentially inaccurate information contained in the draft ecological and environmental reports would be very likely to have the misleading effect described by the Commissioner in relation to the exemption.

#### Factors for disclosure

There are various general factors in favour of disclosure. The Council considers that most of the factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

- further public understanding of the issues involved;
- further public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promote accountability and transparency by the Council for the decisions it takes;
- promote accountability and transparency in the spending of public money;
- allow individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions;

More specifically, the Council acknowledges that the proposed expansion of the Newbridge Park and Ride has attracted a significant amount of public interest, and that it would be desirable to have as much information as possible on the proposed scheme in the public domain.

### Reasons why the public interest favours withholding the information

It is in the public interest for information relating to the proposed expansion to be made available to all interested parties at the same time. When the Planning Application is submitted, the reports will be posted to the Council's website.

Not only is it in the public interest for as much information on the proposed expansion to be publicly available as possible, there is also an important public interest in that information being up to date and accurate, in order to facilitate a well-informed debate. The reports are not up to date or accurate in their current form, and it is not in the public interest for misleading information to be placed in the public domain.

The formal consultation process regarding the proposed expansion to the Newbridge Park and Ride will begin when the Planning Application is submitted in early 2009. The Council considers that disclosing the reports at that time will enable the Council to meet its public interest obligations in this matter.

The timescale for publication of the reports is relatively short. The information, along with various other studies relating to the proposal, will be publicly available early in 2009.