

CRN00225673 – Public Interest Test

<p>FOI request</p>	<p>A copy of the Cumberland Basin Feasibility Report https://democracy.bristol.gov.uk/documents/s30396/Cumberland%20Basin%20sch%201.pdf</p>	
<p>Date:</p>	<p>5 September 2019</p>	
<p>EIR Regulation: Regulation 12(4)(d) Relates to material which is still in the course of completion; unfinished documents; and incomplete data.</p>		
<p>Factors supporting disclosure</p>	<p>Factors supporting non-disclosure</p>	
<ul style="list-style-type: none"> • Compliance with EIR public authority obligations to be transparent to enable greater access to environmental information. • Disclosure of the requested information would contribute to the development of public debate and facilitate public understanding of a project that will affect the local area and Bristol’s citizens. • Disclosure of the requested information will ensure that the council remains accountable to the public in respect of its operations and decision making, especially where it involves the use of public funds. 	<ul style="list-style-type: none"> • The Western Harbour feasibility study (the requested information) assessed different approaches to changes to the Cumberland Basin road network, some of which have not been taken forward because they are not viable. Early engagement on three initial ideas opened on 19 August and will not finish until 15 September. The decision on the next steps for the area is therefore on-going. There is a public interest in ensuring that public officials have a ‘safe space’ to work candidly and freely without being concerned that information could be released in a form where it is potentially misleading. While there is a strong public interest in knowing the decisions and actions taken by BCC are meeting transparency and accountability principles, disclosure of an early study would inhibit the council’s safe space to consider the information, deliberate on issues and reach decisions. • There is considerable public interest in favour of ensuring that disclosure does not interfere with the early engagement process or cause delay in making a decision on next steps if officers are diverted to deal with public and press enquiries on rejected ideas. Furthermore, releasing information on approaches that are not part of the early engagement process may result in significant public confusion and concern, however BCC would not be in the position to provide reassurances as the engagement process is on-going and a decision has not been taken. • The decision-making process on the Cumberland Basin road network has not yet reached a conclusion and is still ‘live.’ 	

	<p>Disclosure of all approaches included in the feasibility study while the early engagement process is on-going would disrupt this process as it would be likely to result in fruitless public debate and interrogation of officials as to unadopted positions and abandoned arguments. This would be likely to make it more difficult to bring the decision process to a proper conclusion.</p> <ul style="list-style-type: none"> • The feasibility study (the requested information) will be published on the BCC website when the engagement process has completed and the results have been analysed. It is not in the wider public interest to release the information before the process has been completed. • Releasing information where the policy is still under development runs the risk of misleading public debate. Changes to the Cumberland Basin road network are subject to a high level of public and local media scrutiny. While we are aware that we can contextualise information on the approaches that are not currently under consideration, we are not confident that this will be sufficient to correct any misleading impressions or confusion that could be created within the local community if this information were released. We therefore consider that it is important for the public to know exactly what ideas are included in the current engagement process, rather than information about approaches which may not in the end be relevant.
<p>Conclusion:</p> <p>The decision to withhold the information is upheld in the light of the arguments against disclosure. The material in question is still in development and final decisions are yet to be made, thus regulation 12(4)(d) is engaged.</p> <p>The information withheld under this exception forms part of a policy which is still in the course of completion. In our view the public interest balance remains in favour of maintaining the exception. We recognise that there is a substantial public interest in transparency and accountability of our work and in ensuring that the public is able to participate effectively in any debate about our projects including the redesign of the Cumberland Basin road network. However, the public interest is to a significant extent met by the information published as part of the early engagement process and is outweighed by the prejudicial effects of disclosure set out above.</p> <p>For these reasons we believe Regulation 12(4)(d) applies and the reasons against disclosure outweigh the public interest in releasing information early.</p>	