

L Jenkins

Strategic Infrastructure
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C/O Municipal Buildings
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CW1 2BJ
0300 123 5500
xxxxxxx@xxxxxxxxxxxxx.xxx.x

Date: 14 January 2019
Our Reference: 4174765

Dear Sir/Madam

Information Request - 4174765 - Broken Cross Historical Junction Reports

I am responding to your request for information, which has been considered under the Environmental Information Regulations 2004 (EIR) and logged as case 4174765.

Your request is as follows:

As a resident directly affected by recent local planning approvals, I am seeking reports, documents and information to do with any and all recommendations, modifications and designs considered for the Broken Cross Junction , Macclesfield, that the council hold or have commissioned.

The junction design/function was looked at in great detail I understand in the late 1990's to early 2000's, so documents and reports from say 5 years either side of 1999 would be a good starting point.

I confirm that Cheshire East Council holds some of the information you have requested. However, I am unable to provide you with that information as I 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". To help us reach this decision we have completed an assessment of the time it would take to comply with your request.

I confirm that we will hold some of the information you have requested but it would not be possible for Cheshire East Council to respond to your request within the Freedom of Information Act Appropriate Limit

of 18 hours. This is used as a guideline for requests under the EIRs. Therefore, I am unable to provide you with that information as I consider that the following exception applies to it.
Regulation 12(4)(b) – Manifestly Unreasonable

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

Cheshire East Council wishes to be as open and transparent as it is able in its land transactions.

Factors in favour of withholding

Cheshire East Council does not hold all the records Officers would need to retrieve and trawl archived records and attempt to access archived records held on behalf of the former Cheshire County Council in an attempt to retrieve records for the last 25 years. Records pre-Cheshire East Council are particularly time consuming to locate and identify.

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

It has been suggested by the service that if you should wish to submit a request for a narrower period of time we may be able to provide a response.

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

Please quote the reference number 4174765 in any future communications.

Please note that an anonymised copy of this response may be published in the Council's Disclosure Log, which is available online at the following address: www.cheshireeast.gov.uk/foi

If you are not satisfied with the outcome of your request or if you are not happy with the way your request has been handled, you can request an internal review. Internal review requests should be submitted within 20 working days of our response by emailing xxx@xxxxxxxxxxxx.xxx.xx or in writing to Compliance & Customer Relations Team, Cheshire East Council, 1st Floor, Westfields, c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ.

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; Tel: 0303 123 1113; Fax: 01625 524510 or <https://ico.org.uk> The Information Commissioner will not normally investigate your case until the Council's internal review process has been completed.

Yours faithfully

Gill Clowes
Customer Relations and Compliance Assistant
Cheshire East Council