



Hampshire
County Council

Mrs K Newsom
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Culture, Communities and Business Services
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Enquiries to Julie Oliver

My reference EIR - 11396

Direct Line

Your reference

Date 13th December 2016

E-mail foi@hants.gov.uk

Dear Mrs Newsom

Information Request

We write further to your request for information received on the 11th October 2016 in which you ask for the following information:

Further to the information HCC supplied responding to my FOI request of 8 April 2016 which this request follows up but only with respect to timescale.

Time, events having moved on since previous information was supplied, this FOI request is for information arising since my 8 April 2016 was replied to. Please supply all information (emails, reports etc.) regarding Hampshire County Council's contacts and decision making with respect to the County's land at Chilling Farm, Fareham.

Your request is considered to be for environmental information and has therefore been considered in accordance with the Environmental Information Regulations 2004 (the "Regulations"). The Regulations are similar to the Freedom of Information Act but specifically apply to requests for environmental information.

Information falling within the scope of your request is enclosed. Some information has been withheld from disclosure on the basis that is exempt information. Information disclosed to you as a result of your previous information request has not been duplicated for the purposes of this request.

Information comprising third party personal data has been withheld in accordance with regulations 12(3) and 13(2)(a)(i) as the disclosure of this information would constitute unfair and unlawful processing of their information and would contravene the data protection principles within the Data Protection Act 1998. This is an absolute exception and does not require a public interest test.

Information comprising internal communications within the County Council have been withheld in accordance with regulation 12(4)(e).

Director of Culture, Communities and Business Services
Karen Murray

Information between the County Council and its legal advisers have been withheld on the basis that this information attracts legal professional privilege under regulation 12(5)(b).

Information which would adversely affect the environment has been withheld in accordance with regulation 12(5)(g).

Information which is considered to be confidential and has also been withheld in accordance with regulation 12(5)(e) to protect the County Council's economic interests on the basis that the confidentiality of the information would be adversely affected by disclosure.

Public interest test

Where a qualified exemption has been relied upon, it is necessary to consider whether the public interest in not releasing the information requested outweighs the public interest in disclosing it. This is known as the 'public interest test'.

The public interest test has been applied, as follows:

Internal Communications – regulation 12(4)(e)

Factors considered relevant to the public interest in disclosing the information:

- *Aiding the transparency of the public sector and the County Council.*
- *Assisting members of the public to understand the internal processes of the County Council.*

Factors considered relevant to the public interest in not releasing the information:

- *The importance of allowing County Council officers a safe space to consider issues frankly without being subject to external scrutiny.*

Legal Professional Privilege – regulation 12(5)(b)

Factors considered relevant to the public interest in disclosing the information:

- *Transparency between the County Council and members of the public to ensure the administration of justice.*
- *Ensuring accountability for County Council decisions.*

Factors considered relevant to the public interest in not releasing the information:

- *The overriding importance of preserving confidentiality between officers of the County Council and its legal advisers to ensure the frank and open consideration of legal issues without fear of disclosure.*

Protecting the Environment – regulation 12(5)(g)

Factors considered relevant to the public interest in disclosing the information:

- *Aiding the transparency of the County Council.*
- *Assisting members of the public to understand the basis of the County Council's decisions.*

Factors considered relevant to the public interest in not releasing the information:

- *The overriding importance of protecting the environment of vulnerable wildlife to prevent any damage, destruction and / or disturbance of their natural habitat.*

Commercially confidential information – regulation 12(5)(e)

Factors considered relevant to the public interest in disclosing the information:

- *Aiding the transparency of the County Council in respect of decision making.*
- *Assisting members of the public to understand the basis of the County Council's decisions.*
- *Raising public awareness and encouraging public scrutiny for financial decisions made by the County Council.*

Factors considered relevant to the public interest in not releasing the information:

- *The need to preserve the duty of confidentiality between the County Council and the National Grid in respect of ongoing commercial negotiations for a proposed easement for an electrical cable connecting to the grid adjacent to the land at Chilling.*

- *The fact that confidentiality is required to protect the County Council's commercial negotiating position.*
- *The adverse effect of disclosure on confidentiality which would result in confidentiality being destroyed and would jeopardise the County Council's intentions to obtain best terms possible.*

Conclusion: Withhold the information.

Reasons: The balance of the public interest lies in withholding the information.

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Yours sincerely




Julie Oliver
FOI/EIR Senior Administrator
Culture, Communities and Business Services

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original letter and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester SO23 8UJ or emailed to foi@hants.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: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.