

12 October 2011

Mrs J Giggins  
By e-mail

**Policy & Communication**

West Berkshire District Council  
Council Offices  
Market Street Newbury  
Berkshire RG14 5LD

**Our Ref:** Fol/2011/IR/08

**Your Ref:**

**Please ask for:** David Lowe

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Dear Mrs Giggins

**Fol Request: EIA Screening Opinion and associated documentation**

Thank you for your e-mail of 13 September 2011, requesting a review into the handling of your request for the Environmental Impact Assessment Screening Opinion and associated documentation relating to planning application 10/01928/FULEXT.

In your initial request (of 12 September 2011) you asked the Council to provide:

1. A copy of, or link to, a signed copy of the Environmental Impact Screening Opinion for application number 10/01928/FULEXT - Demolition and redevelopment of the Priory/Platt Court.
2. A copy of the letter from Davina Bowe of Barton Willmore dated 7th July referred to in the unsigned copy of the screening opinion published on the planning portal:  
  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=10/01928/FULEXT>
3. Any other correspondence to/from WBC from any source (applicant/agents/consultees/objectors etc) relating to the requirement or not for an Environmental Impact Assessment and/or screening opinion.
4. The information 'considered' by Mr Rayner to support his assessment that the proposed development is
  - a. modest
  - b. on brownfield land
  - c. within the settlement boundary,

given that the application was presented to committee as a major application, that the applicants acknowledged in their D&A statement that following changes to PPS3 the garden/grounds of the existing buildings could no longer be classified as brownfield, and that the proposed buildings straddle the settlement boundary.

In its response the Council advised that it considered the request to be vexatious and issued a refusal notice, as allowed for under section 14 of the Freedom of Information Act 2000. In support of its position the Council cited the letter from the Council's Chief Executive to you of 14 June 2011.

In reviewing its handling, I have been cognisant of the Information Commissioner's guidance on repeated and vexatious requests, the Chief Executive's letter of 14 June, the considerable correspondence that you have had with the Council about planning application 10/01928/FULEXT and the request itself.

The Information Commissioner advises that a request may be considered to be vexatious if

- The request could be fairly seen as obsessive
- The request is harassing the authority or causing distress to staff
- Complying with the request impose a significant burden in terms of expense and distraction
- The request designed to cause disruption or annoyance
- The request lacks any serious purpose or value.

In viewing whether your request meets one or more of these attributes I have, in line with the Commissioner's guidance, examined your previous correspondence with this authority in relation to application 10/01928/FULEXT.

As the Chief Executive advised, between 7 June 2010 and 6 June 2011 you exchanged with Members and officers of this Council a total of 256 e-mails relating to the planning application. During this exchange you

- Questioned the authority of officers to act
- Exhibited a predetermined intent to escalate
- Presumed that the Council intended to deceive or falsify
- Misused the Freedom of Information and other processes
- Misinterpreted 'evidence' provided to you.

The Chief Executive summarised that

In pursuit of your opposition to the approval of planning application 10/01928/FULEXT you have sought to use a number of different processes, all of which have had a significant impact on the operational capacity of officers. I note that your current line of opposition appears to now be through the Council's use of Compulsory Purchase Orders.

My conclusion is that your requests and demands on the Council have gone beyond a reasonable and legitimate challenge to the local authority's activities and are serving no interest, especially not one that is public, except your own.

In light of this I have directed my officers to adhere to the arrangements as outlined in Mr Holling's letter to you of 5 April and not engage in any further correspondence with you on any matters relating to your opposition to 10/01928/FULEXT. This includes, for the reasons stated earlier in this letter, through the Freedom of Information process.

I do not intend to permit any further time to be spent on this matter and should you disagree with the Council's action and wish to complain you should do so directly to the Local Government Ombudsman, to whom I have copied this letter (along with the Information Commissioner).

It is clear to me that this letter sets out the Council's position unambiguously and that in yet again raising the issue of planning application 10/01928/FULEXT, you are exhibiting behaviour that is both obsessive and harassing to the authority. Similarly, in ignoring the advice previously given that the Council will no longer deal with anything from you relating to application 10/01928/FULEXT, your request indicates that there is a possibility that it is designed to cause disruption or annoyance and that it resultantly lacks any serious purpose or value.

I have consequently formed the view that more than one of the Information Commissioner's criteria for assessing vexatious requests have been met and that the Council acted appropriately in advising you that your request was being treated as such.

If you remain dissatisfied with the way that the Council has handled your request then you should contact the Information Commissioner, which you can do through <http://www.ico.gov.uk/>.

Yours sincerely

David Lowe  
**Scrutiny & Partnership Manager**