



EAST RIDING

OF YORKSHIRE COUNCIL

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Mathew Buckley Head of Legal and Democratic Services

Ruth Hayhurst

request-778590-875686a6@whatdotheyknow.com

Your Ref: FOI00076

Our Ref: MB530.22/NC

Enquiries to Mathew Buckley

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Tel. Direct: (01482) 393100

Date: 11 January 2022

Dear Ms Hayhurst

Freedom of Information Act 2000

Request for Information – Review of Decision

You submitted a request for information as follows: -

Please provide a letter from Mrs Elizabeth Walker, a planning agent for Rathlin Energy, to Matthew Sunman, principle development management officer - minerals and waste, East Riding of Yorkshire Council (ERYC). The letter was received by ERYC on 21 August 2020. It was probably sent by email and was probably headed "Application type: Major Pre-Application Enquiry". It dealt with Rathlin Energy's plans for its hydrocarbon sites at West Newton A and West Newton B.

The information was withheld under EIR 12 (5) (d) as disclosure would adversely affect the confidentiality of a public authority's proceedings where the confidentiality arises from statute or common law and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

You have asked for the decision to be reviewed on the following basis:-

The council had pre-planning correspondence with Rathlin Energy about West Newton A and B hydrocarbon sites. The council's reply to the company is in the public domain. It was included in the latest planning application for West Newton A. This application has prompted considerable public interest and there are concerns about its context in wider plans by Rathlin Energy. In the interests of transparency, I suggest that the company's letter to the council should be made public.

I have reviewed the response.

The correspondence submitted by Rathlin was submitted on a confidential basis. Therefore regulation 12 (5)(d) is engaged.

Public Interest Test

The argument that it is in the public interest to disclose the information is that it is in the public interest for the details of proposals by applicants to be open to public scrutiny.

The argument against disclosing the information is that pre application submissions are not planning applications. The public interest is served by scrutiny of the documentation that forms part of the planning application itself. These are the proposals that will be approved or refused by the planning authority.

Continued/1 of 2

Darren Stevens

Director of Corporate Resources

The balance is in favour of maintaining the exemption as pre application discussions allow potential problems with applications to be dealt with prior to the submissions of an application. If it were known that the content of such correspondence would be made public developers would not engage in the pre application process and this would not be in the public interest as it may lead to the submission of applications that are not in accordance with relevant local and national planning policies.

If you remain dissatisfied, you can ask the Information Commissioner to review this decision.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate number)
Fax: 01625 524 510

Alternatively, email: casework@ico.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Buckley', with a long, sweeping horizontal line extending to the right.

Mathew Buckley
Head of Legal and Democratic Services