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Doc Ref	FOI 7764
Ask for	Peter Taylor
Direct Line	0161 342 5242
Date	20 September 2018

Mr David Buckle

By Email:

request-497084-8f1beda2@whatdotheyknow.com

Dear Mr Buckle,

Freedom of Information Request
Unique Reference No: FOI 7764

Thank you for your email received 22 August 2018, requesting additional information under the Freedom of Information Act, in relation to the response we previously supplied. You have requested the following information:

Dear Freedom of Information Requests, with reference to Freedom of Information Request – Request for Information Unique Reference No: FOI 7764 I note your response.

Perhaps it is me that is under the misapprehension that I have requested full information regarding the planning application 18/00119/FUL.

The details you have forwarded to me do not contain the information that I requested. This was my 1 (first) request:

1.

Under the Environmental Information Regulations and Freedom of Information Act, please disclose all Tameside MBC planning information/advice given to the applicants for the Construction of 5 No. detached houses and associated works, 18/00119/FUL Including emails, phone calls, notes, daybooks, memos, letters etc. from the Submission date 12th February (i.e. after pre-planning advice, to date. 12/07/2018).

You have submitted in your response eight emails, 3 of which are duplicated. I must question the response time taken to pass these basic details to me, which appear to have been compiled for your distribution on the 15th August 2018. My request was 12th July 2018.

These emails do not cover the response request that I require. I request information as highlighted above. Your response does not include this information, information that I believe you hold in relation to the Planning Application.

It is clear from some of the emails that you have submitted that in depth conversations deliberations and advice has been sought and offered by various persons within the planning Authority and the agent, with Jason Dugdale acting as the applicants agent, ie. Wiplovs..

It is apparent that Jason Dugdale was a senior planning officer with Tameside Metropolitan Borough Council, the planning authority, until recently having left the employ to become a director of Wiplovs.

This is obvious from the rapport and the informality of emails between officers and himself. In response to me you further state:

The consideration of the application is nevertheless within the spirit of the advice provided in Paragraph 38 of the National Planning Policy Framework which states that "Local planning authorities should work proactively with applicants to secure developments, that will improve the economic, social and environmental conditions of the area. Decision maker at every level should seek to approve applications for sustainable development where possible."

This has obviously been discussed, there is a predetermination in this statement and no impartiality. Where is this information held? Who when and where was it discussed?

Who has made the decision that this development which if allowed will be beneficial and improve the area? It will be overdeveloped. I thought the democracy of Council officers made these decisions. Where is this information, which was discussed, held?

Mr Dugdale makes reference to the in depth conversations that he has had with the planning authority and makes a point of stating that he has been informed that OL4 permissions should not be a problem.

Where is all this information held and referenced?

Why have these details not been forwarded to me as per my FOI request?

Emails make reference to the restructuring of the design of the road approach to the site, the diversion of footpaths, the provisions of the open space assessment not being seen as a problem by the authority, where is the information held when these discussions were undertaken?

Why have these details not been passed to me under this request?

May I reiterate previously highlighted information that I forwarded to you with my initial request:

Please note that across a number of appeals decision notices by the Information Commissioner's Office that the ICO consistently supports disclosure of pre-planning and subsequent follow up planning advice once the formal planning application has been made (as is the case here).

Please note that the LGA Probity in planning guidance states:

"Confirmation that a written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file.

Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record."

A meeting can be and is determined as telephone conversations too.

As you can clearly see there are anomalies that are consistent with information that is available but for some reason withheld or not forwarded as per my request.

It may be the case of a misunderstanding between us. However the information which I have requested and is obviously available has not been forwarded to me, I do not know if

this is an oversight or a deliberate ploy to withhold information which I feel is available under the Freedom of Information Act 2000 and an offence under the Act to withhold such information.

I must feel that it is an oversight on your behalf and give you the opportunity of providing this information which clearly exists. If you think that you have satisfied the requirement of the Act and cannot assist further I request that you consider this update to you a requirement for official review of my Freedom of Information request .Please pass the matter to Ms Sandra J Stewart, Borough Solicitor, at Tameside Metropolitan Borough Council, who I believe is empowered to carry out such review.

May I also reiterate that the information should be current and up to date as much as possible at the time of replying.

I can confirm that all the information requested that we held when the response was provided to your Freedom of Information request was provided in the original response. In fact, more information than had been requested was provided given there was explanation of the process and our role in assessing the current application.

The main issue is that the planning application is under consideration and the opportunity exists for representations to be made. Amendments to the scheme have been discussed and emails exchanged. Copies of the emails have been provided as part of the original FOI request. Jason Dugdale was previously employed by Tameside Council as Development Manager and is now acting as the appointed agent for the application. However, having regard to the questions raised in the FOI, the Council had no further information to provide in response to the FOI, although as the application progresses it is quite reasonable to suggest that this might change.

The reference to Paragraph 38 of the National Planning Policy Framework (2018) in the response was in respect of our obligation to work proactively with an applicant during the consideration of an application. In this case, that has resulted in the submission of amended plans. However, all correspondence that we held addressing the questions raised was already released, and since no decision has been made on the application there remains the opportunity to make further representations. Any material planning considerations included within those representations will be taken into account in the decision making process in the normal way.

The Case Officer dealing with the application (Mr. Ian Berry) can answer any questions about the application and the current status and provide details of any correspondence with the appointed agent.

If you have any queries about this letter, please do not hesitate to contact me.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, or request a review of the Council's decision, please write to Sandra J Stewart, Borough Solicitor, at Tameside Metropolitan Borough Council, Dukinfield Town Hall, Dukinfield Tameside SK16 4LA.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. The Commissioner cannot normally make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and at www.ico.gov.uk.

Yours sincerely,

Peter Taylor
Head of Planning