



Information Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings
TN34 3UY

Mr. Hurrell

14 High Wickham
Hastings
TN35 5PB

Dear Mr. Hurrell

I refer to your recent request for information from this authority. Our response to your request is below.
You have the right to request an internal review if you are not satisfied with any aspect of the way we have handled your request for information or its content.

Once an internal review has been conducted and you still remain dissatisfied you may complain to the Information Commissioner who will decide whether the request has been handled properly.

Please note: The Information Commissioner cannot generally make a decision unless our internal review process has first been exhausted. The Information Commissioner can be contacted at:

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

www.ico.org.uk

Yours sincerely

Lisa Greathead
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Muriel Matters House
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Hastings
TN34 3UY
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Subject: Rocklands detailed plan for management of land stability as specified by caravan site

Details of Request:

The Rocklands caravan site licence issued in April 2018 stipulates that:

"Lower slopes

9) The licensee shall within 6 weeks of the date of issue of the licence (or any other timeframe subsequently agreed by the licensing authority), submit for the written approval of the licensing authority a detailed plan produced by a competent person for the management of land stability within the caravan site.

The plan shall include details of:-

1. Regular visual inspections to identify and monitor signs of land instability affecting the caravan site and infra-structure (including the foul drainage system), to be carried out by the licensees and/or their staff at least every month and also following severe weather events.

2. Circumstances identified through the regular inspections that will trigger the need for a competent person to be consulted for additional advice (for example if signs of land instability are recorded near to vulnerable site infra-structure or caravans).

3. Contingency measures to be implemented to ensure the safety of any occupants and visitors to the site in the event of

further serious land slips occurring.

4. Proposals to mitigate the risk of the foul drainage system being compromised by slope instability.

5. Contingency measures to be implemented to safeguard people on the site and the natural environment, in the event of serious land slips compromising the foul drainage system. Such measures shall include details of rapid action to isolate and pump out and contain effluent from the damaged sections of the foul drainage system to prevent pollution of the adjacent ground and ground waters."

I formally request under EIR the following:

Please supply the date that the detailed plan documents were submitted.

Please confirm that HBC holds copies of the detailed plan documents

Please supply a list of the documents supplied to HBC for the detailed plan

Please supply copies of the detailed plan documents

Please provide the date HBC gave written approval to the detailed plan

Please provide the implementation date of the detailed plan

This information is held

Response:

NOTICE OF REFUSAL

Under the terms of the site licence for Rocklands Caravan Park records submitted to the council in connection with the land management plan are strictly confidential. This request is therefore being refused under Environmental Information Regulations the information requested is exempt under Section 12(5)(e) 'Confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest'

We have considered the following:

- Is the information commercial or industrial
- Is the information subject to confidentiality provided by law
- Is the confidentiality protecting a legitimate economic interest
- Would disclosure adversely affect the confidentiality

Section 12(5)(e) is subject to a public interest test. This means that a public authority can refuse to disclose information under these exceptions if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Factors for disclosure:

- Transparency and accountability

Factors against disclosure:

- Adverse effect on the economic interest of the owners of Rocklands Caravan Park
- Maintaining commercial confidences
- The release of this information could lead to further harassment to the owners
- Correspondence is clearly marked strictly confidential
- If the information is disclosed it could be used to seek harm on the owners commercial interests
- Were such information disclosed, then it could be used by competitors and potential purchasers to the owners financial detriment.

In all circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosure

NOTICE OF REFUSAL

Hastings Borough Council are also relying on Exception 12(5)(b) The course of justice and inquiries.

Regulation 12(5)(b) provided an exception from disclosure of environmental information which adversely affect the course of justice. This has a wide meaning and public authorities can consider claiming this exception when they receive

requests for:

- material covered by legal professional privilege

The course of justice has a wide meaning but includes material covered by legal professional privilege – correspondence from an external lawyer to a client and confidential communication between them about that advice.

Exception 12(5)(b) is subject to a public interest test. This means that a public authority can refuse to disclose information under these exceptions if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Factors for disclosure:

- Transparency and accountability

Factors against disclosure:

- Maintaining confidences, the correspondence is clearly marked 'strictly confidential'.
- Information in relation to certain conditions of the caravan site licence are confidential.
- The release of the information could lead to further harassment to the owners.

The factors against disclosure outweigh those in favour therefore this information will not be disclosed.

End of Request

Please note:

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