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PRIVATE AND CONFIDENTIAL

A J Morton

9 April 2021

Dear A J Morton

Freedom of Information Act 2000, Reference: FOI-8658-2021

The council has completed its search relating to your request about planning application 1/16/9005 received on Fri, 19 Mar 2021.

Request

My request concerns information held by Cumbria County Council (CCC) on the assessment(s) made of the impact of 1/16/9005 prior to CCC's determination of 1/16/9005.

ORIGINAL REQUEST:

The DCR report on 1/16/9005 makes no mention of the perception of harm except to say that Carlisle City Council considered that the assessment of the application should consider the perception of harm. Please provide all information held by CCC on CCC's consideration of the perception of harm in CCC's assessment of planning application 1/16/9005 prior to CCC's determination of 1/16/9005.

CLARIFICATION:

I am sorry that the fifth part of my request was not clear. There are many examples where the 'Perception of harm' is cited as a material planning consideration as distinct from actual harm. One such example is Cumbria County Council's committee report on planning application 4/10/9001 where CCC stated :

"The actual risk and the objective perception of risk or harm to human health are material considerations as far as this application is concerned"

At appeal, the inspector upheld CCC's decision and stated "perception of harm is capable of being a material consideration".

Given this clarification of "perception of harm" as a material planning consideration, please confirm that CCC holds no information regarding any consideration by CCC of the perception of harm in CCC's assessment of planning application 1/16/9005 prior to the determination of 1/16/9005.

PREVIOUS DISCLOSURE ATTACHED

Response

The council does hold information within the definition of your request.

The term “perception of harm” was not actually used in the Committee Report. Nevertheless the issue was considered at paragraph 6.111 which states, ‘The assessment criteria for human health applies to locations where members of the public are likely to be present and are likely to be exposed over an averaging period of time, these are known as Environmental Assessment Levels (EALs). Similarly, at paragraph 6.112 the report makes reference to the potential impacts on health and wellbeing of local residents.

In conclusion to this question, the County Council does not agree that there is no information or assessment of the perception of harm in the committee report and during the assessment of the application.

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Yours sincerely

Information Governance Team