

REQUEST	PLACES FOR EVERYONE	DEPARTMENTAL RESPONSE
	<p>For all plots within the Green Belt part of the Places for Everyone Allocation known as Land North of Mosley Common, please provide the following information:</p> <ol style="list-style-type: none"> 1. The dates of any pre-application discussions held with developers (including sessions that have already been held, as well as any that are planned) for all phases and plots within the 1,100 property development area. 2. The agenda items for each of those discussions 3. The attendees at each of those discussions 	<p><i>The below response applies to all questions 1 – 3 inclusive.</i></p> <p>Pre-application advice is given on a commercially confidential basis and is exempt from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004 (EIR).</p> <p>This extends to declining to confirm or deny whether any pre-application discussion has taken place.</p> <p><u>Pre Application Advice:</u> https://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Pre-application-advice.aspx</p> <ul style="list-style-type: none"> - Public Interest Test <p>We consider that information requested is exempt under Regulation 12(5)(e) of the Environmental Information Regulations 2004 (EIR) which states that “a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest”.</p> <p>Disclosing pre-application advice supplied by the Council could seriously prejudice the commercial position of any person or organisation that requested the advice. Disclosing the information would lead to material harm to the commercial interests of the person who made the pre-application enquiry.</p> <p>Disclosing this information to the world at large which is the presumption of the EIR would:</p> <ul style="list-style-type: none"> • <i>Highlight to competitors the fact that they are contemplating a development proposal.</i> • <i>Highlight to the current owner of the property (if the property is being sold to the person making the</i>

enquiry) any potential for alternative uses which may lead to the current owner revising their expectations as to price.

- As a consequence of the above, lead to a position in which the person who made the enquiry can no longer viably undertake the development about which they had enquired.*

The Exception to disclosure requires us to undertake a Public Interest Test. The public interest arguments in favour of disclosure are:

- Planning is an activity which is undertaken in the public interest and seeks to balance conflicting priorities to secure sustainable development*
- Planning is an activity which results in change to local people's environment*

The public interest arguments against disclosure are

- If the commercial viability of a proposed development is undermined as a consequence of the disclosure of pre-application advice (as described above), then a building or land may remain derelict / unused, or the potential economic and social benefits of a development fail to be realised*
- If a formal planning application is subsequently made then this would be subject to publicity and consultation*