

Note from FOI team: This is a follow up request to FOI 15186.

Thank you for your response to my recent FOI request 15186 – For all plots within the Green Belt part of the Places for Everyone Allocation known as Land North of Mosley Common

I am content to remove the elements of the request that require Agenda items and attendees, if you think these are confidential.

My revised request is that you inform us of the dates of any pre-application discussions with:

- 1) Developers or potential developers
- 2) Landowners

As per the Council's previous response to FOI15186, pre-application advice undertaken with the Local Planning Authority is given on a commercially confidential basis and is exempt from disclosure. This extends to declining to confirm or deny whether any pre-application discussion and/or meetings have taken place.

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).

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Pre Application Advice:

<https://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Pre-application-advice.aspx>

- Public Interest Test

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".

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.

Disclosing this information to the world at large which is the presumption of the EIR would:

- Highlight to competitors the fact that they are contemplating a development proposal.
- Highlight to the current owner of the property (if the property is being sold to the person making the enquiry) any potential for alternative uses which may lead to the current owner revising their expectations as to price.

	<ul style="list-style-type: none"><li>• 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.</li></ul> <p>The Exception to disclosure requires us to undertake a Public Interest Test. The public interest arguments in favour of disclosure are:</p> <ul style="list-style-type: none"><li>• Planning is an activity which is undertaken in the public interest and seeks to balance conflicting priorities to secure sustainable development</li><li>• Planning is an activity which results in change to local people's environment</li></ul> <p>The public interest arguments against disclosure are</p> <ul style="list-style-type: none"><li>• 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</li><li>• If a formal planning application is subsequently made then this would be subject to publicity and consultation</li></ul>
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