



## **REQUEST 18369**

I would like to request any records of pre-application enquiries or advice issued by Wigan Council in relation to Chorley Road, Standish, Wigan WN1 2XN. The site is currently designated as a Green Belt in the local UDP with the most recent planning application being for the formation of a security fence Application No: A/20/90564/FUL.

Historically, the site was known as the Standish Tip and the site ceased operation in 1990. As mentioned above the current owner is complying with a landfill closure procedure. Including the date of the enquiry, the nature of the development proposed, and any correspondence or notes regarding pre-applications from date range, January 2000 to present.

## **RESPONSE**

The Council can confirm that it has received a pre-planning application enquiry for this site during the period requested. The enquiry was received in August 2021 and was responded to until June 2022.

This enquiry forms part of a confidential and informal advisory process designed to support the development of proposals prior to the submission of a formal planning application.

The Council considers this information to be commercially sensitive. Disclosure of the pre-application advice would be likely to adversely affect the confidentiality of commercial or industrial information, where such confidentiality is protected by law to safeguard legitimate economic interests. Accordingly, the Council is applying the exception under Regulation 12(5) of the Environmental Information Regulations 2004 (EIR).

As this is a qualified exception, the Council has undertaken a public interest test. While there is a general public interest in transparency and accountability in planning matters, the Council considers that, in this instance, the public interest in maintaining the exception outweighs the interest in disclosure. This is due to the potential harm to commercial negotiations and the integrity of the pre-application process, which relies on a degree of confidentiality to function effectively.

As identified within the FOI request, the Council can confirm that during the period of the request, the only planning application submitted relating to the site is planning application reference: 'A/20/90564/FULL'.

All information the Council holds on this application is accessible via the Council's website at the following link. Please utilise the search function available on this webpage accordingly:

[Search and comment on planning applications](#)

Support and guidance on how to search the information the Council holds on this section of its website is available on the above webpage, but is also provided in the accompanying 'Public Access User Guide' PDF document and via the link to the relevant page on the Council's website below:

[Idox PA for Planning User Guide](#)

The Council can also confirm that it has undertaken planning enforcement investigations concerning this site during the period covered by the request. These investigations may or may not have involved advice or commentary on planning matters. However, we are withholding the associated information under the relevant exemptions and exceptions provided by the Freedom of Information Act 2000 (FOIA) and the EIR.

Under Section 30(1) of FOIA, information held for the purposes of investigations may be exempt from disclosure if its release would prejudice the conduct of those investigations or any proceedings resulting from them. This exemption applies regardless of whether the investigation has been concluded or remains on-going and is intended to protect the integrity of enforcement processes and the Council's ability to carry out its regulatory functions effectively.

Additionally, under Regulation 12(5) of the EIR, environmental information may be withheld where disclosure would adversely affect the course of justice. This exception is subject to a public interest test, and in this case, the Council considers that maintaining the confidentiality of enforcement matters outweighs the public interest in disclosure.

In light of the above, the Council is therefore not disclosing the requested enforcement-related information.