

Request

1. Section 38 Agreement information including application dates, chronology, correspondence, execution status and reasons for delay.

Response

Thank you for your Environmental Information Regulations request regarding the Churchfields / The Fairways development and associated planning application A/26/100539/MAJOR.

Having undertaken an initial assessment of your request, we consider that compliance with the request in its current form is likely to engage Regulation 12(4)(b) of the Environmental Information Regulations 2004, which permits a public authority to refuse a request where it is manifestly unreasonable.

The request seeks a very substantial volume of information spanning multiple subject areas, including Section 38 adoption matters, Section 104 drainage issues, highway inspections, enforcement activity, legal and technical considerations, planning matters, senior management involvement, meeting records, correspondence with multiple external organisations, and records associated with a separate planning application.

Our preliminary review indicates that the information requested would be distributed across numerous electronic and archived record systems, including planning records, highways development control files, legal files, project and inspection records, meeting notes and email correspondence held by multiple officers across different service areas. The request also seeks copies of substantive correspondence over an extended period, including more than three years of emails, documentation, plans, reports and associated records.

To identify, locate, retrieve and review all potentially relevant information would require extensive searches across a significant number of officers' mailboxes and document management systems. In addition, each document would require detailed consideration to determine whether it falls within scope and whether any exceptions apply, including the redaction of third-party personal data, commercially

sensitive information and legally privileged material where appropriate.

Based on the scale of records involved and the number of service areas potentially affected, we estimate that compliance with the request would require a substantial and disproportionate commitment of officer time and Council resources. The volume of potentially relevant emails, attachments, plans, reports, meeting records and correspondence is considered significant due to the length of time covered and the complexity of the matters referenced.

In accordance with our duty to provide advice and assistance under Regulation 9 of the Environmental Information Regulations 2004, we would be happy to work with you to refine the scope of your request so that it may be considered within a reasonable timeframe. For example, you may wish to limit your request to a particular subject area, such as the current status of the Section 38 Agreement, correspondence relating to a specific issue, records held within a shorter time period, or information directly associated with planning application A/26/100539/MAJOR. Focusing the request in this way may enable relevant information to be identified and considered for disclosure.

We have also considered the public interest test as required by Regulation 12(1)(b). We recognise that there is a public interest in transparency and accountability regarding planning decisions, highway adoption matters, drainage infrastructure and the actions taken by the Council in relation to the development. However, we have concluded that the public interest in maintaining the exception outweighs the public interest in disclosure in this case. This is because the substantial burden involved in locating, retrieving, reviewing and preparing the information for disclosure would place a disproportionate strain on Council resources and would be likely to prejudice the Council's ability to carry out its wider public functions effectively.

We have therefore concluded that, in its current form, the

request is manifestly unreasonable under Regulation 12(4)(b) of the Environmental Information Regulations 2004 due to the significant burden that would be imposed on the Council in locating, retrieving, reviewing and preparing the substantial volume of information requested.

However, we remain willing to assist in refining the request and would welcome a narrowed query so that relevant information can be considered for disclosure.

2. Highway remedial and final surfacing works records including inspections, snagging reports, quotations, tenders, correspondence, approvals, contractor appointment, costs and programme dates.

As above.

3. Section 104 drainage and sewer works status, remedial works, completion records and correspondence.

As above.

4. Previous enforcement action records, notices, reports, decisions, outcomes and consideration of further action.

As above.

5. Internal advice, legal advice insofar as disclosable, reports, meeting notes and correspondence regarding statutory powers and enforcement options.

As above.

6. Proposed further development A/26/100539/MAJOR including pre-application discussions, meetings, correspondence, infrastructure considerations, planning conditions and obligations.

As above.

7. Ground investigation works records, notifications, purpose, awareness dates and correspondence.

As above.

8. Meetings and senior-level escalation records including attendees, minutes, actions and decisions since 1 January 2025.

As above.