

## Will Ridalls

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**From:** access to information - mailbox [REDACTED]  
[REDACTED]  
**Sent:** 24 October 2024 10:08  
**To:** Will Ridalls  
**Cc:** Planning; David Seaton  
**Subject:** RE: FOI Decision Review (ref: 17204876)

### INTERNAL REVIEW

Dear Will Ridalls

#### **Environmental Information Regulations 2004 Reference 17204878**

I write further to your recent email concerning the Council's response to your request referenced above, which we have considered as an Internal Review of our original response.

Firstly, I can confirm that I have found that the request should have been dealt with under the Environmental Information Regulations 2004 (EIR) and not the Freedom of Information Act 2000. Requests relating to planning matters have been confirmed by the Information Commissioner to be considered to be a 'measure' as defined in the regulation. I have reconsidered your request therefore under the EIR.

Devon County Council can confirm that the information that you requested is held but considers it should be withheld from disclosure under the exception for the confidentiality of proceedings; Regulation 12(5)d of the Environmental Information Regulations 2004. This is reflected in our updated disclosure log [Tiverton Eastern Urban Extension](#)

In reaching this conclusion we believe that the information satisfies the application of the exception.

That the information relates to proceedings: The Information Commissioner has confirmed that they consider pre-application advice is acknowledged as being a proceeding for the purpose of the EIR and therefore as your request relates to pre-application advice, we consider that the matter is a proceeding.

That the information was provided in confidence; we believe that the information is subject to the common law of confidentiality, in that the information was provided in confidence without the expectation that it would be disclosed. It is also not trivial and is of importance to the provider. You have stated that the fact of the pre-application has been placed into the public domain means that it is no longer confidential, however the detail and confidential information that you have requested is not in the public domain and we consider that it remains confidential.

We believe that releasing the information would adversely affect the confidentiality of pre-application proceedings.

We have considered the public interest test when making the decision to withhold the information. Devon County Council considers that although there is a public interest in the need for transparency around planning applications, we feel that this is satisfied by the formal planning process. The pre-planning process allows planning authorities to give guidance that ultimately reduces time spent on formal applications. Any advice given is not formal nor is there any requirement on the requester to follow that advice. The formal application process is transparent and open and would allow for wider consultation and public input. Therefore, the public interest in the planning process is served by the formal application process.

I hope that you are satisfied that we have dealt with your request appropriately. If you are not satisfied, then you have the right to refer the matter to the Information Commissioners Office through their website [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

**Hannah Halford**  
**Access to Information Manager**  
**Access to Information Team**

[www.devon.gov.uk](http://www.devon.gov.uk)



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**From:** Will Ridalls [REDACTED]  
**Sent:** Thursday, September 5, 2024 3:30 PM  
**To:** access to information - mailbox [REDACTED]  
**Cc:** David Seaton [REDACTED] Planning [REDACTED]  
**Subject:** FOI Decision Review

Dear Sir/Madam,

Please find attached a letter with appendices for your information.

Kind regards,  
Will

***Will Ridalls***

**PCL PLANNING LTD**

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