

Our reference: 19579973

Dear 

## Environmental Information Regulations 2004

Thank you for your information request.

We have revised and updated our previous response, and our answers are detailed below your questions.

### Request 1 -- Ecological Surveys and Reports

All ecological surveys, habitat assessments, species surveys (including but not limited to surveys for Great Crested Newt, Sand Lizard, Natterjack Toad, bats, birds, and any other protected species), and environmental reports relating to the Site, whether commissioned by the Council, a developer, Natural England, or any other party.

**Please see attached reports. With regard to the NVC Survey Report, some of the information has been redacted due to commercial sensitivity which is covered by Regulation 12(5)(e) of the Environmental Information Regulations (EIRs) and explained in our initial response.**

**Wildflower surveys from 2019 were commissioned by Ainsdale Community Wildlife Trust. However, as the Council did not commission this report and is not the owner you should contact them direct via:**

**Telephone: 01704 579747 or 01704 573707 / Email: [info@acwt.org.uk](mailto:info@acwt.org.uk)**

### Request 2 -- Survey Details

For each survey identified in response to Request 1: the dates on which it was conducted; the duration of the survey; the survey methods used; the name and qualifications of the ecologist or organisation that carried out the survey; and any survey results or conclusions. Please see attached reports for details.

**Please see attached reports.**

### Request 3 -- Commissioning and Funding

The name of the organisation or individual that commissioned each survey referred to in Requests 1 and 2, and confirmation of who funded each survey. **All the surveys provided above were commissioned and paid for by the Council.**

### Request 4 -- Habitats Regulations Assessment

Any Habitats Regulations Assessment (HRA), HRA Screening Opinion, or Appropriate Assessment relating to the Site or to any development proposed for the Site, including any correspondence with Natural England in connection with such assessments. **No recent reports of this type have been commissioned. The Council's Local Plan webpage has details of historic assessments; however, we consider that Regulation 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.**

The information you requested is available on our website using the following link -  
<https://www.sefton.gov.uk/localplan>.

If you do not have access to the internet at home, you may be able to use facilities at your local library.

### Request 5 -- Pre-Application Advice and Development Frameworks

Any pre-application planning advice, planning briefs, development framework documents, feasibility studies, or any other documents prepared in connection with potential development on the Site. **Pre application advice was sought in 2022, however, it wasn't completed and the pre-app was closed and no pre-app report was provided.**

## **Request 6 -- Correspondence with Statutory Bodies and Wildlife Organisations**

All correspondence (including emails, letters and meeting notes) between Sefton Metropolitan Borough Council and Natural England, the Environment Agency, the RSPB, Merseyside BioBank, the Lancashire Wildlife Trust, the Ainsdale Community Wildlife Trust, or any other wildlife charity or statutory body, regarding the ecological status of the Site or any proposed development on it.

**The information you have requested is not held in a readily available format and therefore the Council considers your request is manifestly unreasonable.**

**Regulation 12(4)(b) of the Environmental Information Regulations 2004 (EIR) states: 'Exceptions to the duty to disclose environmental information 12. (4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that— (b)the request for information is manifestly unreasonable;'**

**Whilst there is no cost limit under the EIR, the Council takes into account guidance from the ICO which states:**

*'In assessing the level of costs that might be incurred in responding to a request, we suggest that public authorities use a rate of £25 per hour for any staff time involved. This is in line with the rate applicable under FOIA by virtue of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This does not mean that the FOIA fees regulations apply to requests that fall to be considered under the EIR. However, we take these regulations to give a clear indication of what Parliament considered to be a reasonable charge for staff time'.*

**In accordance with the Council's duty under Regulation 12(1)(b) the Council has applied the Public Interest Test to determine whether the public interest in maintaining the exception as referenced above, outweighs the public interest in disclosing the information.**

### **Factors in favour of disclosure**

- The Council acknowledges that there is a presumption in favour of disclosure of information under the EIR to ensure accountability and transparency for the decisions it makes regarding environmental information.
- Disclosure of information helps the citizens of the Borough and the public more widely to understand how decisions which affect their lives are made and assists them in challenging those decisions.
- It encourages public debate and scrutiny of the decisions the Council makes.
- Disclosure facilitates greater public awareness and understanding of environmental matters, a free exchange of views, and more effective public participation in environmental decision making, all of which ultimately contribute to a better environment.

### **Factors in favour of maintaining the exception**

- The Council considers that the public interest in maintaining this exception lies in protecting public authorities from exposure to disproportionate burden and disruption in handling information requests. You are seeking information that is not held in a readily available format.
- In order for the Council to conduct the necessary searches to locate the information you have requested, a disproportionate burden on officers' time will be imposed and disrupt the workload of various members of staff, which will result in delays in dealing with normal business which at the present time would not be beneficial to the efficient and effective running of Council business.
- Dealing with a request such as the one you have made, will place a strain on resources and hinder delivery of mainstream services the Council provides, as well as impact upon responding to other requests.

**Therefore, the Council considers that the public interest favours maintenance of the exception and outweighs the public interest in disclosure and that your request is manifestly unreasonable under Regulation 12 (4) (b) of the Environmental Information Regulations 2004.**

**However, under Regulation 9 of the EIR the Council has a duty to provide advice and assistance, so far as it would be reasonable to expect the authority to do so. If you submit a new request which is more specific about the information you require, which is more manageable then the Council will confirm whether it is possible to comply with the request.**

**For example, whether you are seeking specific documents; a narrower timeframe for the search of the requested material; or you are seeking correspondence between specific officers of the Council and organisations.**

**There is guidance on the ICO website, which may assist you with submitting any future requests, so that they may be framed in accordance with this guidance for the public: How to access information from a public body**

<https://ico.org.uk/your-data-matters/official-information/>

## **Request 7 -- Strategic Asset Review and Council Reports**

Any Strategic Asset Review documentation, Cabinet reports, officer reports, committee papers or internal briefings that refer to the Site or its proposed future use, including any documents that discuss the site's potential for housing allocation

**We consider that Regulation 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.**

The information you requested is available on our website using the following link -

<https://www.sefton.gov.uk/localplan>.

Planning link to the Inspectors Report is <https://www.sefton.gov.uk/media/1760/sefton-lp-inspectors-report.pdf>

The site also comes up in the annual Strategic Housing Land Availability Assessments [SHLAA](#) (SHLAA) and is reported in annual Authority Monitoring Reports (AMR) [AMR](#) too, because it is a Local Plan allocation

Local Strategic Partnership between the Council and Sovini Limited [Sefton Home](#)

**If you do not have access to the internet at home, you may be able to use facilities at your local library.**

Please quote the reference number 19579973 in any future communications about this request.

**Regulations 11(1) and 11(2) of the Environmental Information Regulation Act** states that public authorities must provide applicants with details of how they may complain about the handling of their request for information should they wish to. If you are not satisfied with the way your request has been dealt with then you can request an internal review within 40 days of receiving our response. This should be directed to the Information Management and Governance Lead via email at [info.information@sefton.gov.uk](mailto:info.information@sefton.gov.uk).

Should you choose to request a review of the decision taken and are dissatisfied following the authority's review, you can contact the Information Commissioner for a decision notice.

Further information can be found at:

### **Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Telephone: 0303 123 1113**

**Website: [www.ico.org.uk](http://www.ico.org.uk)**

I will now close your request as of this date.

Yours faithfully

Information Governance Team

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