



FOI/ EIR request – FOI144736777
Title: Innocence Farm

Date received: 17/09/2019	Date closed: 14/10/2019
<i>(FOI admin team to complete)</i>	

Request 1

In the recent Local Plan Hearing, Lichfields have stated, on behalf of the Council, that 30% of incoming containers are processed within 30 miles of the Port and that this information has been provided by the Port. Please disclose all documents, or other information, evidencing the Port making this claim, and all documents indicating where these processing activities take place.

Response 1

The Council commissioned Lichfields to undertake a study to consider the land needs of the Port and Logistics sector in the former Suffolk Coastal District area. As Council Officers and representatives from Lichfields outlined at the Local Plan Hearing Sessions in August and September 2019, the assumptions used in the study were discussed at a stakeholder workshop held in March 2018. The purpose of the workshop was to test assumptions with a range of stakeholders, including the Port of Felixstowe. Feedback from the workshop is included within the published document in Appendix 3.

The report published by the Council is clear that there are no detailed origin/destination studies available (footnote 8 on page 38) in respect of the assumptions outlined in the study (detailed in Figure 4.6). However, these were tested at the workshop with stakeholders and were considered reasonable to remain for the basis of future planning.

The Port of Felixstowe Growth and Development Needs Study undertaken by Lichfields on behalf of the Council to support the Local Plan can be found through this link:

<https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/First-Draft-Local-Plan/Port-of-Felixstowe-Growth-and-Development-Needs-Study-July-2018.pdf>

The Council has no further correspondence with the Port of Felixstowe or associated operators in respect of this request.

Request 2

The background to our request is the afternoon session of the Inspector's Hearing on 5th September, 2019. During that session the Council and Bidwells claimed there are prospective tenants lining up to occupy Innocence Farm.

Whilst we understand the wish to avoid divulging commercially sensitive information, can you please provide a general profile of these businesses in such a way that we understand:

- The timeframe over which these enquiries have come about e.g. when each enquiry was first submitted
- With regard to each enquiry:
 - The type of business e.g.
 - Freight forwarder
 - Haulier
 - Logistics Provider
 - Storage Company
 - Other (please specify)
- The extent of interest shown e.g.
 - Preliminary enquiry
 - Exploratory meeting with the Council
 - Serious interest resulting in several meetings
 - Heads of Terms agreed
- Site development opportunities suggested by the Council
- The outcome of the business enquiry
- The reason, if available, for the enquiry not being progressed

Response 2

The Council does not hold any information in relation to the position of Bidwells on behalf of Trinity College (other than that provided in response to the Local Plan which is in the public domain).

At the Local Plan Hearing Session, reference was made to approaches from prospective developers and operators in respect of pre-application advice and enquiries. Many of these are enquiries that the Planning Department deals with regularly. These enquiries can cover a wide range of operations/ activities, many of which are in accordance with Local Plan policies and may require planning permission.

The Council has seen planning permissions submitted in recent years for various activities, such as the Port of Felixstowe Logistics Park, Uniserve at Clickett Hill, Land at Orwell Truck Stop as well as responses to the Local Plan consultation stages (Land at Innocence Farm Trimley St Martin, Land at Walk Farm Stratton Hall) which shows interest in land for operations as outlined at the Local Plan Examination Hearing.

The Council in its role as Planning Authority seeks to encourage early discussions and dialogue with perspective applicants on all aspects of planning. Disclosure of this

information would adversely affect the voluntary flow of information between applicants/prospective applications because of concerns about confidential information being released.

Because the information requested relates to the elements of the environment (specifically land and buildings) the request falls under the Environmental Information Regulations 2004 (EIR) rather than the Freedom of Information Act (FOI.)

Regulation 12(5)(e) of the Environmental Information Regulations (EIR) 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.

To apply this exception we need to consider the balance of public interest, and demonstrate that there is a real likelihood of an adverse effect on the commercial or economic interests of a person or organisation.

Factors in favour of disclosing the information

There is a presumption in favour of disclosure within the EIR.

There is a general public interest in transparency in the sorts of information and advice provided by the Council and demonstrating that the Council gives this advice in a consistent and fair way.

There is a general public interest in releasing information which helps the public to understand the decision-making process relating to planning and planning policy matters and issues which affect their local built and natural environment.

There is a local public interest in the site and its future.

Factors in favour of maintaining the exception

Organisations and individuals who engage with the Council in respect of pre-planning advice do so in confidence and do not give their permission for information to be released into the public domain, unless discussions then lead to subsequent planning applications.

Information submitted in pre-planning notes and discussions may include financial models and assign values to land, which, if released, would put those organisations and individuals at a competitive disadvantage.

National planning guidance and best practice advocate the importance of pre-planning advice and the Council supports this approach which is beneficial to the wider public interest in ensuring planning applications are processed efficiently and effectively.

Releasing the details of pre-planning advice would harm the relationships between prospective applicants and the Council as Local Planning Authority and harm the Council's reputation. This would then lead to applicants being less inclined to apply for pre-planning advice in the future thus creating an increased workload for the Council in handling applications which have not benefited from pre-planning advice.

On balance, the strength of factors in favour of applying the exception under EIR regulation 12(5)(e) is in the public interest to protect the integrity and commercial value of the planning process (including pre-planning advice) which the Council operates. This outweighs the factors in favour of releasing information.

Time taken (hours & minutes)

Please enter the time taken to locate, retrieve and extract the information. This is for internal purposes only and will not be released.

Hours	7
Minutes (to nearest 15)	