

**Freedom of Information Act 2000 (FOIA)**  
**Environmental Information Regulations 2004 (EIR)**  
**Decision notice**

**Date:** 14 December 2022

**Public Authority:** South Cambridgeshire District Council  
**Address:** South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

**Decision (including any steps ordered)**

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1. The complainant has requested information on local Conservation Area Appraisals and related material. South Cambridgeshire District Council ('SCDC') referred the complainant to some information on the general subject, which was in the public domain. However, it refused the request, citing regulation 12(4)(b) (manifestly unreasonable request) of the EIR.
2. The Commissioner's decision is that SCDC was entitled to rely on regulation 12(4)(b) to refuse the request.
3. The Commissioner requires no steps as a result of this decision.

**Request and response**

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4. On 15 March 2022, the complainant wrote to SCDC and requested extensive information "Concerning the activity of the Council from 2004 to date in connection with the Longstanton Conservation Area, ("LCA") the requisition of land to expand the "green gap" between the village and Northstowe and associated activity, and the consequential multiple breaches by the Council of UK civil and criminal law whether statutory

law or common law". Due to its length, the full text of the request is reproduced in the annex at the end of this decision notice.

5. SCDC responded on 12 April 2022. It refused the request, citing regulation 12(4)(b) of the EIR. It explained that the request was manifestly unreasonable, as the work involved in complying with it would be excessive and disproportionate to the request's value. It also said that parts of the request asked for information which the complainant recognised was not already held in recorded form, and that the EIR did not oblige SCDC to create such information. As a general point of assistance, it provided weblinks to Conservation Area Appraisals for Cambridge's 17 conservation areas and to the Northstowe Area Action Plan. It invited the complainant to refine his request, but he did not do so.
6. Following an internal review, SCDC maintained its application of regulation 12(4)(b) to refuse the request.

## **Reasons for decision**

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7. The Commissioner is satisfied that the request was for environmental information and that it fell to be dealt with under the EIR.

### **Regulation 12(4)(b) – manifestly unreasonable request**

8. In considering this matter the Commissioner has taken account of his guidance on regulation 12(4)(b)<sup>1</sup>, SCDC's detailed responses to the complainant and its submissions to the Commissioner on the application of the exception.
9. The complainant's request consisted of more than 70 questions covering a time period of eighteen years (2004 – 2022). He stated in his request that his expectation was that conversations needed to be had to provide some of the answers he was seeking, in effect requiring SCDC to create new information from which to answer parts of the request.
10. SCDC has correctly identified that it is not obliged to comply with requests which ask for information which is not already held in recorded form. The EIR give an individual the right to access environmental information which is already held in recorded form by public authorities. To the extent that any questions can only be answered by generating

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

new information, or by providing explanations or giving opinions which are not already held in recorded form, then SCDC is not required by the EIR to deal with them.

11. As regards the remaining questions, the Commissioner has considered whether SCDC was entitled to rely on regulation 12(4)(b) of the EIR to refuse to provide the requested information. SCDC argued that the request was manifestly unreasonable on the grounds that it would impose a significant and disproportionate burden on it, in terms of the cost, and consumption, of resources that would be required to locate, extract, consider and communicate any relevant information that it held.
12. Regulation 12(4)(b) of the EIR provides that a public authority may refuse to disclose information to the extent that the request for information is "manifestly unreasonable". The exception can be applied where, as SCDC has argued, it would impose a manifestly unreasonable burden upon the authority to respond to the request for information. The exception exists to protect public authorities from exposure to a disproportionate burden in terms of the amount of time and resources that a public authority has to expend in responding to a request. In effect, it is similar to section 12(1) of FOIA, where the cost of complying with a request can be taken into consideration.
13. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations set an upper limit for responding to requests for information under section 12 of FOIA. Where a public authority estimates that responding to a request will exceed this upper limit, it is not under a duty to respond to the request. The upper limit for local authorities is £450, calculated at £25 per hour (creating a de facto time limit of 18 hours' work).
14. Although there is no equivalent limit within the EIR, in considering the application of regulation 12(4)(b), the Commissioner considers that public authorities may use equivalent figures as an indication of what Parliament considers to be a reasonable burden to respond to EIR requests. However, the public authority must then balance the estimated cost of responding to the request against the public value of the information which would be disclosed, before concluding whether the exception is applicable.
15. In estimating the time which it would take to respond to a request, the public authority can consider the time taken to:
  - determine whether it holds the information
  - locate the information, or a document which may contain the information

- retrieve the information, or a document which may contain the information, and
- extract the information from a document containing it.

16. However, unlike FOIA, under the EIR, public authorities are also entitled to include the time taken to consider the application of any exceptions when considering the cost of compliance with an EIR request.

### **The complainant's position**

17. The complainant has explained that following SCDC's refusal of a planning application he submitted in 2016, he believed he had uncovered evidence of its "...seriously unlawful behaviour between 2004 and 2007 and continuing to date", and that "Truthful replies to my Current Request will provide key evidence and admissions by the Council, that the conclusions in my research document are correct."
18. Although he has cited concerns about exposing potential fraud as a motivating factor for his request, the complainant told the Commissioner, "I am not concerned with their criminality" and referred instead to the possibility of bringing a civil case against SCDC.
19. The complainant referred the Commissioner to a previous complaint he had submitted<sup>2</sup> and implied that the Commissioner's "critical" decision in that case suggested that SCDC's handling of this request was also likely to be flawed.
20. On that point, the Commissioner would state that he considers each complaint to him individually, on a case-by-case basis. He also notes that SCDC's response in this case cited regulation 12(4)(b), whereas the issue under consideration in the previous complaint was its application of regulation 12(4)(a) (information not held) of the EIR.

### **SCDC's position**

21. SCDC said that in order to respond to the complainant's request for information, it would be required to consider each question separately to identify whether it held any recorded information. The work would involve identifying multiple sources of information and cross checking with several teams. It noted that the time span specified in the request meant it was likely that many of the officers who had been involved in

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<sup>2</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2020/2617907/fer0841426.pdf>

the work covered by the request had moved post, or left SCDC. As a result, the requested information would be difficult and time consuming to identify and locate.

22. In order to calculate a reasonable estimate of the work involved, SCDC carried out a sampling exercise based upon what it believed to be the quickest method of gathering the requested information.

23. SCDC explained:

“In order to provide some clear understanding of the amount of work required, the team assessed one query of the request to provide an idea of the number of files and items that would need review in order to provide a response to just one of the questions. – the questions raised at point 10 – of [the complainant’s] document:

- Inspectors appointed by the Secretary of State - Questions relating to discussion with inspectors culminating in this report...

We found in relation to the Northstowe AAP a minimum of 5700 files held that would require review to see if they hold any relevant material – to assist we include a screenshot of the electronically based files held on this particular matter. (Screenshot 1)

In considering whether this is an overly burdensome cost to the organisation, in line with ICO guidance we used the cost limit provided in FOI – which is £450 or 18 hours of officer time at £25 per hour.

Allowing an average of 5 minutes to review each of the 5700 files located for that query alone, would require at least 475 hours of officer time, resulting in an estimated cost to the organisation in excess of £11,000”.

24. SCDC concluded that searching for, and providing, any information held would impose a significant and detrimental burden on its resources in terms of officer time and cost and unreasonable pressure on its resources. It believed that this burden could not be justified by any benefit which might flow from it complying with the request.

### **The Commissioner’s conclusion**

25. SCDC provided credible evidence in support of its estimate, including a screen-shot showing that 5732 electronic files, across 754 folders, would need to be reviewed, to comply with the questions at just point 10 of the request. The Commissioner therefore accepts that complying with the questions at point 10 alone would involve reviewing a considerable amount of information across multiple sources.

26. While he has no reason to doubt that 5 minutes would need to be allotted to reviewing each file, he notes that even if this estimate was reduced to just one minute per file, the time needed would still amount to 95 hours, thereby exceeding the 18 hours allowed for under FOI by some considerable way.
27. The work involved in considering the other parts of the request would increase this. Several of the questions ask for any / every document containing information on a particular topic<sup>3</sup>, which the Commissioner appreciates would be particularly time consuming to identify, locate and retrieve.
28. The Commissioner finds it highly unlikely that SCDC has resources on hand such that it could absorb this level of work without it adversely impacting other service areas. He is therefore satisfied that the allocation of the resources necessary to process the request would have a significant and disruptive impact on SCDC's services.
29. The Commissioner notes that there is some public value in the information being disclosed in this case, as it relates to planning issues. He also notes that it is the complainant's belief that SCDC has engaged in wrongdoing.
30. However, the Commissioner considers that the costs outlined above are so extensive that the public value in the disclosure of the information would not make the request reasonable in this case. Many of the questions are so narrow in scope that the Commissioner considers the information, although of interest to the complainant, would be highly unlikely to be of interest to the wider public. The complainant has mentioned that his concerns relate to alleged fraud on the part of SCDC. If so, then the proper channel for pursuing such concerns is through bodies that have formal oversight, scrutiny or enforcement powers (such as the appointed auditor for SCDC, the Local Government Ombudsman<sup>4</sup>, the Planning Inspectorate<sup>5</sup> or the police).
31. The Commissioner is therefore satisfied that compliance with the request would impose an unreasonable burden upon SCDC. It follows

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<sup>3</sup> See, for example, questions 4.15 and 4.16

<sup>4</sup> <https://www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/how-your-application-for-planning-permission-is-dealt-with>

<sup>5</sup> <https://www.gov.uk/government/organisations/planning-inspectorate>

that he is satisfied that the exception in regulation 12(4)(b) has been correctly engaged by SCDC.

32. The Commissioner has gone on to consider the public interest test, as required by regulation 12(1)(b) of the EIR. The test is whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.
33. There will always be some public interest in disclosure, to promote transparency and accountability in relation to decisions made by public authorities. Disclosure in this case would encourage informed public debate on, and confidence in, planning decisions, which ultimately leads to better public engagement in the decision making process.
34. However, in this case, SCDC has explained that the resources which would be consumed in order to respond to the request would be significant, and disproportionate to the public interest in disclosure. The Commissioner is satisfied that SCDC does not have resources on hand such that it could absorb the necessary level of work without this adversely impacting other service areas, which would run counter to the public interest. There is already information on local Conservation Area Appraisals in the public domain, which goes some way to serving the public interest in transparency. As regards the public interest in holding SCDC to account, as explained above, there are other formal channels of complaint open to the complainant, which the Commissioner considers to be more appropriate avenues for considering alleged criminal wrongdoing, than using the EIR, and in doing so consuming excessive public resources.
35. In light of this, the Commissioner considers that there is insufficient wider public interest in this matter to justify the considerable time and resources it would take SCDC to comply with the request. The Commissioner is therefore satisfied that, in this case, the balance of the public interest clearly lies in the exception being maintained.

### **Regulation 12(2)**

36. Regulation 12(2) of the EIR requires a public authority to apply a presumption in favour of disclosure when relying on any of the regulation 12 exceptions.
37. As set out above, in this case the Commissioner's view is that the balance of the public interests favours the maintenance of the exception, rather than being equally balanced. This means that the Commissioner's decision, whilst informed by the presumption provided for in regulation 12(2), is that the exception provided by regulation 12(4)(b) was applied correctly.

**Regulation 9(1) – duty to provide advice and assistance**

38. Broadly, regulation 9(1) of the EIR provides that, where an authority is refusing a request because the applicant has formulated a request in too general a manner, the authority must provide advice and assistance to the requestor, insofar as it would be reasonable to expect the authority to do so, to allow them to reframe the request so that relevant information can be provided.
39. SCDC provided the following advice to the complainant when refusing the request:

“You are invited to review your request. To assist you we advise that you may wish to consider removal of questions that require a discussion or are intended to create new information not currently held – as noted above we cannot assist you with such queries under FOI/EIR. You may wish to refine the time frames of your request and/or consider more specifically the correspondence (to or from particular parties) and material being sought.”
40. The Commissioner’s decision is that SCDC has therefore complied with the requirements of regulation 9(1) of the EIR.



## Right of appeal

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41. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

42. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
43. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

**Annex - text of complainant's request (personal data redacted)**

Freedom of information request  
to South Cambridgeshire District Council  
by [complainant's name redacted]

Concerning the activity of the Council from 2004 to date in connection with the Longstanton Conservation Area, ("LCA") the requisition of land to expand the "green gap" between the village and Northstowe and associated activity, and the consequential multiple breaches by the Council of UK civil and criminal law whether statutory law or common law.

**Statement of intent**

The Council having received an adverse report from the Information Commissioner in June 2020, the Applicant gives notice that any response by the Council is erroneous, incomplete, obfuscating or cannot be found, the Applicant will apply to the Court in a process intended to lead to an order that some person responsible for the management and policy of the Council is in contempt of Court.

**Applicant / Questioner: [complainant's name redacted] Dated March 2022.**

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**Notes:**

- 1 It is to be assumed that those responsible for the direction and management of the Council are personally satisfied that the replies to the questions here set out, will be true and complete, and are provided with the full authority and understanding of Members.
- 2 The applicant is aware that the Council has outsourced responses to Freedom of Information requests to a mutually owned organisation, the staff of whom have no experience of the operation of the Council and consequently cannot reasonably be expected to know where to find the information requested in this document.
- 3 These questions include a great deal of basic information which will assist competent Council staff in identifying the actual information required. The Applicant will be happy to cooperate further with such assistance.
- 4 In the past, the Council has replied to requests for financial information by providing a link and suggesting that the applicant should search the financial records for himself. If the Council makes a similar suggestion with

regard to this present application, the Applicant will treat it as a refusal to provide information.

- 5 The Applicant made a substantial request on or around February 2019. The Council appeared to take every possible step to avoid answering questions. Indeed, in June 1 2020, the Information Commissioner was compelled to report that the Council had failed to satisfy its statutory obligation under the Act. The Applicant therefore reminds the Council that it is expected to comply with its statutory obligations and that the Applicant will oppose any application by the Council to defer, reduce or compromise any statutory obligation. To the extent that the Applicant provides any assistance to the Council in locating data requested, such assistance shall be without prejudice to the statutory obligations of the Council and the timing set out in the FoI Act 2000.
- 6 In some cases multiple documents are requested, without specifying precisely what each document is. What we seek is information which can be provided only from a conversation. If the Council refuses to answer such questions on that basis, then this entire FOI process will be extended over a long period of time while the applicant progressively analyses data provided by the Council and uses as the basis for a further set of questions. If, alternatively, the Council is minded to accept the specific question and produce a reply consisting in multiple documents, then the Applicant is likely to be willing to accept a whole bundle and sort them personally. This will save a great deal of Council staff time, not only on this occasion but on multiple future occasions if the Council insists upon a step-by-step approach.
- 7 The applicant will take very seriously any indication that the Council's records have been removed, deleted or edited. If any such evidence becomes apparent, the Applicant will accept the risk of delay in making a claim, in order to assist the Director of Public Prosecutions as far as possible, in the prosecution of every person directly or indirectly involved.

## The questions

### Special request

For any document which is accompanied by any secondary document such as an addendum, appendix, map or other document intended for understanding of the principal document, please construe these questions as relating to the entire set of documents and not merely a single document referred to. If any document which is produced references some other document which is clearly intended for the better understanding of the principal document, we shall treat the response as not acceptable. Reason: we shall not permit the Council to obfuscate and delay the process by intentionally providing incomplete responses.

#### **1 The Longstanton Conservation Area Appraisal prepared in 2005 ("CAA") and the CAG: four sets of data: comparison**

Over 2004 / 2005, either the South Cambridgeshire District Council ("Council") or the Conservation Advisory Group ("CAG") instructed for a new conservation area appraisal for each of the four villages believed to be affected by proposed development on land previously known as Oakington Airfield and now a large part of Northstowe.

This request seeks data relating to the appraisal is undertaken for all four villages which could potentially have been damaged by their proximity to Northstowe. The applicant has no land ownership outside of Longstanton. The questions are asked in order to identify points where the proposals and processes differed between Longstanton on the one hand, and the other three villages on the other hand.

1.1 We refer to the Conservation Area Appraisals for **Westwick and Rampton specifically**. For each of these documents:

1.1.1 Please provide copies of the instructions from the Council to QuBE to provide the reports and assistance and other work which they did actually undertake in connection with these two conservation area appraisals in 2004-2005. (Hint: they were provided by [name A redacted]).

1.1.2 please provide the frontsheet / title sheet for each of these documents, or confirm that when presented by Qube there was no front sheet nor other attribution nor contact information nor date.

1.1.3 Who drew the associated map tacked on at the end of each appraisal?

1.1.4 At what date was the map tacked on?

The tacked-on map does not refer to any specific reference point in either appraisal nor does either appraisal refer to a map.

1.1.5 What is the purpose of this added map which does not support the information provided in the CAA.

1.1.6 Please provide any other document associated with either the maps or the appraisals, which indicate the relationship between the proposal documents and the maps.

**1.2 We attach "Oakington CAA - Report to Cab 080905.pdf" and "Oakington CAA Rpt 200705.pdf"**

We note that the content of both documents is almost identical, but the authors and recipients are quite different.

1.2.1 What was the status of the Conservation Advisory Group ("CAG"), such that the Conservation Manager reported to that group?

1.2.2 Within the management structure of the Council in 2005, to whom did the Conservation Manager formally report?

1.2.3 Please provide a copy of the **draft** appraisal mentioned in one of the above documents as issued for public consultation on Monday, 25th April 2005.

1.3 Please refer to paragraph 1.2, above and provide a copy of the equivalent of both documents relating, not to Oakington, but to Longstanton.

**2 More on the Longstanton CAG**

In this document, "Added Land" means the land which was added to the CA in 2005. During the period between 01/01/2005 and 31/12/2007, the Council undertook continuing discussions with the Secretary of State relating to all elements of the proposal for a new town, based largely on the land previously known as Oakington airfield.

2.1 In those discussions, was the Council represented by the CAG or by some other committee or independent organisation?

2.2 Who or what other organisation, person or committee represented the Council in those negotiations at any time?

2.3 For each such person, group or committee, how were they instructed by the Council?

2.4 What was the status of the person or committee to whom each such person, group or committee reported and to whom they looked for instructions and authority?

- 2.5 Please provide a copy of all of the correspondence and accompanying documents and minutes relating to meetings and negotiations relating to Northstowe between the Council on the one hand and the Secretary of State on the other hand, between 01 January 2005 and 31 December 2007.
- 2.6 What was the legal status of the CAG within the Council structure?
- 2.7 Please provide a copy of the notice and minutes of the meeting of the Council or the Planning Committee which authorised the setting up and acceptance of the CAG and any other document which set out proposals for membership, purpose, meetings and other arrangements of or for the CAG.
- 2.8 Please provide copies of the notices and minutes of every meeting of the Conservation Advisory Group from January 01 2004 to December 31 2007.
- 2.9 Please provide copies of all correspondence between [name A redacted] and members of the CAG, touching upon work by the CAG.

### **3 Versions of the Longstanton CAA**

- 3.1 The Applicant recalls that the version of the CAA which was first downloaded in 2017 is marked in a way which makes clear that it is a draft: the opening paragraph included the words:

“(Paragraph about public consultation and adoption as Supplementary Planning Guidance/Supplementary Planning Document)”

These words appear in the text of the document as paragraph 1.2.

- 3.1.1 Please provide a copy of that version as originally published, marked with the words above, including the front-sheet, now no longer available on the Council's website.
- 3.1.2 Please provide a copy of the CAA in the precise form in which it was submitted to the Conservation Advisory Group for approval, including the front-sheet, now missing.
- 3.1.3 Please provide a copy of the CAA in the precise form in which it was first sent to all members, including the front-sheet, now missing.

- 3.1.4 Please provide a copy of the CAA in the precise form in which it was submitted to the Minister for approval, including the front-sheet, now missing, prior to adoption by the Council, such submission believed to have taken place between August 2005 and November 2005.
- 3.1.5 Please provide a copy of the CAA in the precise form in which it was adopted as an SPD in 2007, including the front-sheet, now missing.
- 3.2 Please provide copies of all correspondence and enclosures and attachments in connection with the application to the Minister for approval of the enlargement of the LCA.
- 3.3 Please confirm that the CAA is the only document on which the Council relies as evidence of the historic asset and/or historic landscape value of the Added Land. Please provide copies of any other document, if any.
- 3.4 Neither the CAA nor its maps show or indicate any feature of historic value within the Added Land. Please provide every document specifying precisely what historic buildings or features support the contention of the Council that **the Added Land** should have been added in 2005 or should remain part of the LCA today?
- 3.5 Please provide a copy of whatever survey took place in 2005, resulting in a specific list of historic features on the Added Land.

#### **4 The CAA use, purpose and approval process**

The specified purpose of a meeting of Cabinet on 08 September 2005, includes, at page 51, Agenda Item 7, "To seek Cabinet approval for the revised boundary changes to the Longstanton Conservation Areas (including the amalgamation of the two existing Conservation Areas into a single enlarged Conservation Area) and for the adoption of the CAA as Council Policy (incorporating the amendments agreed by the Conservation Advisory Group and outlined in the attached appendix).

It is clear from other documents that the CAA was written to support the expansion of the Longstanton Conservation Area ("LCA"). We allege that, in putting this document forward by way of a report to the Leader and Cabinet, the Development Services Director intentionally misrepresented the purpose of the CAA as relating to prospective future development in the enlarged Conservation Area when in fact the only purpose was to support the expansion of the LCA.

- 4.1 Please provide a copy of the document sent out for consultation to the list of organisations mentioned at paragraph 4 under "Consultations".
- 4.2 Please provide a copy of the cover letter sent out with the document for consultation to the list of organisations mentioned at paragraph 4 under "Consultations".
- 4.3 Please provide a copy of the notice of the said meeting of Cabinet on 08/09/2005, together with accompanying documentation. Please provide a copy of the minutes of the same meeting.
- 4.4 Please provide copies of the map or maps showing the boundary changes proposed for approval at that meeting.
- 4.5 Please provide a copy of the specified amendments agreed by the Conservation Advisory group together with the document to which they are appended.

We note at paragraph two on page 51 the box containing data entitled "Effect on Corporate Objectives". It states:

"Quality, Accessible Services The Conservation Area Appraisal will be used as a local design guide and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service. . . . "

- 4.6 Please provide minutes of any subsequent meeting or Cabinet which changed the corporate objectives from those stated above, so as to become a document in support of not merely design standards but the historic environment and landscape as described, all as supported at least since 2015. If there is no such authority, please state that fact specifically.
- 4.7 If there is such a change as mentioned above, please provide notice or invitation to Cabinet in advance of the meeting to approve the change, of documents provided with that invitation or notice, and minutes of that meeting.

On that same page 51, neither the "Background" nor the "Considerations" indicate that the appraisal document was actually placed before the leader or members of the Cabinet at any time, leaving them to find the information for themselves as specified in paragraph 4.

- 4.8 Please confirm that the CAA was not specifically provided to members of the Cabinet in either hard or soft copy.
- 4.9 At what date was the CAA adopted formally as an SPD?



- 4.10 Please provide a copy of the agenda and other documents provided to Cabinet at the meeting of the Cabinet when the CAA was formally adopted as an SPD.
- 4.11 Is the CAA an SPD today? If not,
- 4.11.1 what is its status today?
  - 4.11.2 when was the status changed?
  - 4.11.3 where is its status recorded?
- 4.12 In what capacity and for what purpose was the CAA adopted, since clearly it contains neither description nor map describing the enlarged LCA.

At paragraph 8 on page 52 of the same document it is stated that "a sustainability appraisal will be prepared and the appraisal (together with the sustainability appraisal) will then be issued for public consultation prior to adoption as a Supplementary Planning Document (SPD)."

- 4.13 Please provide a copy of that sustainability appraisal.

On page 60 of the same document, please refer to note 5. The Council clearly states "the question of encroachment of Northstowe is not an issue to be resolved within the terms of the Appraisal and has already been dealt with through this policy of "Green Separation".

- 4.14 Please provide a copy of the document referred to by the Council which sets up the policy of "Green Separation" separately from the CAA.
- 4.15 Please provide a copy of every document appraising or otherwise specifically describing the policy of Green Separation other than as a policy set out in the Local Development plan of 2007 and subsequently.
- 4.16 Please provide a copy of any document discussing or assessing the issue of Green Separation other than documents relating specifically to Northstowe (concerning which nothing had been agreed in 2005).

## 5 CAA maps (Longstanton)

The CAA was drawn in 2005. The appraisal document contains no map of the preexisting land area of the two small conservation areas and the area proposed to be added. To obtain that information, the reader must refer to 2 separate files containing the maps.

- 5.1 At what date were those maps drawn?
- 5.2 At what date were the two associated maps first treated as associated with the CAA?
- 5.3 Please provide a copy of the minutes of the Planning Committee at which the two associated maps were approved as identifying the **changed boundaries of the LCA?**
- 5.4 Please provide copies of those two maps as drawn when first associated with the CAA.
- 5.5 What person or organisation drew those maps?
- 5.6 At what dates and for what reasons have those maps been replaced or edited since first drawn and for what reasons?

## 6 Public Reports Pack 08 09 2005

We have a copy of the above document which is introduced as follows:

"31 August 2005

To: The Leader – Councillor [name redacted]

Deputy Leader – Councillor [name redacted]

Members of the Cabinet – Councillors [six names redacted]

Dear Councillor You are invited to attend the next meeting of CABINET, which will be held in the COUNCIL CHAMBER at South Cambridgeshire Hall on THURSDAY, 8 SEPTEMBER 2005 at 10.00 a.m.

Yours faithfully

[name redacted]

Finance and Resources Director"

In relation to that document:

- 6.1 Please provide copies of comparable invitations to attend Cabinet meetings, together with the minutes of such meetings held on 14/07/2005 and 21/07/2005.
- 6.2 Please provide copies of documents which constituted the "pack" sent out with this invitation, **limited to those documents connected to agenda item 7**. That agenda item refers specifically to: "Longstanton – Conservation Area Appraisal" refers to "proposed boundary changes", "draft Conservation Area Appraisal", "appendix to the attached report". Please provide all three documents.
- 6.3 Page 51 relates to Agenda Item seven. At the end of the general description, the Contact Officer is given as "[name A redacted] – Conservation Area and Design Officer". In the management structure of the Council, please specify what were the duties of the Conservation Area and Design Officer and to what person or office did he directly report?
- 6.4 Please provide the minutes of the Cabinet meeting to which the above document was an invitation.

## **7 The present proposal is inside the settlement boundary**

We note map file "050201 - Maps NS - The Site 1 of 1 Council.pdf". It shows the present appeal site as within the settlement boundary.

- 7.1 Please confirm that the proposal Site is within the settlement boundary today.
- 7.2 If the Council is unable to provide that confirmation, please provide documentary evidence of the settlement boundary having been changed and approved by the Council.

## **8 [Name B redacted]**

In 2016/17, the Council instructed [name B redacted] (then an independent consultant) for a report in opposition to our application [application reference 1 redacted].:

- 8.1 Please provide a copy of:
  - 8.1.1 her instructions from the Council;
  - 8.1.2 her correspondence with Case Officer [name redacted];
  - 8.1.3 her invoice for her work.

**NOTE:** all financial records are kept for a minimum of six years. Local authorities are no exception. Accordingly there is NO WAY the Council

could have mislaid an invoice. Of course this applies to other financial records in this request.

## **9 [Name C redacted]**

In preparing the CAA in 2004 and 2005, the Council issued a "Consultants' Brief" dated 28 th of May 2004. In connection with that brief:

9.1 Please provide copies of:

9.1.1 the separate instructions to [name C redacted] covering all of his work relating to the conservation areas of all four villages;

9.1.2 the "specific advice" referred to in the Consultants' Brief;

9.1.3 tender documents returned by QuBE/[name C redacted]

In preparing the CAA in 2004 and 2005, the CAG instructed one [name C redacted] to prepare a report: he submitted a report titled: LONGSTANTON: QuBE COMMENTS ON PROPOSED CHANGES TO CONSERVATION AREA BOUNDARY AND 'GREEN SEPARATION'. We attach copy for reference.

In that report, [name C redacted] tells us that on 20 December 2004, [name A redacted] "from the SCDC Conservation Team" wrote to ask QuBE to:

"Advise on your preferred boundary treatment / treatments for the revisions to the Conservation Area where it falls within, or is abutted by, the green separation. This could include, for example, additional buffer areas adjoining the Conservation Area or suitable landscape treatment within it."

9.2 Please provide copies of:

9.2.1 all correspondence with him covering all of his work relating to the conservation areas of all four villages;

9.2.2 his invoice/bill covering all of his work relating to the conservation areas of all four villages.

## **10 Inspectors appointed by Secretary of State**

Questions relating to discussions with the Inspectors culminating in this report:

Report to South Cambridgeshire District Council  
by [name redacted] and [name redacted]

Inspectors appointed by the Secretary of State for Communities and Local Government  
The Planning Inspectorate June 2007  
Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol BS1 6PN  
0117 372 8128 e-mail: [name redacted]@pins.gsi.gov.uk  
**Access:** <https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-plan-ning/the-adopted-development-plan/northstowe-area-action-plan-aap/>

Notwithstanding any issue with regard to the legality of the CAG, some party or parties were instructed to liaise with the Secretary of State (including the above named inspectors), and multiple issues relating to the advent of Northstowe.

- 10.1 Please provide copies of all correspondence and documents passing between, or discussed with, the above Inspectors or any other person instructed by the Secretary of State in connection with Northstowe, on the one hand, and any officer or other person representing the Council, on the other hand, from 1st of January 2004 to 1st of January 2008.
- 10.2 Please provide a copy of the Council's "Preferred Options Report" referred to by [name C redacted]. (This document may be one of the large number provided by the Council in response to the immediately previous request).

## **11 Local councillors' report July 2021**

We note the District and County Councillor Report – Longstanton Ward dated July 2021. We note the last sentence at the bottom of Page 1, which states:

"We agree with the need for affordable housing in the district generally as it is far too expensive for many young people and young families to live here, and we need to ensure people are not priced out of living in our area. However locally we feel that this demand is being met by the development of Northstowe."

- 11.1 Please provide documentary evidence which indicates that local demand from people who find the district "far too expensive", is being met at Northstowe where the average house price exceeds the average for the district.

## **12 Outstanding questions to [name D redacted], re: application [application reference 2 redacted]**

[The complainant] wrote to [name D redacted] a message which he copied to [four names redacted] and others. It is recorded as having

been sent on 04/02/2021 at 13.22 hours. In that message, [the complainant] asked a number of questions. [Name D redacted] has not replied to the message. The questions are repeated below. The text of some has been changed, so as to prevent the Council from avoiding a response. These are the questions.

- 12.1 What instructions have been given to [name E redacted] to encourage him to treat application [application reference 2 redacted], differently from any other application?
- 12.2 Who instructed [name E redacted] to obtain responses from local consultees by submitting and posting individual letters to over 100 addresses?
- 12.3 When and Why did the Council decide to breach its statutory obligations by failing to determine this case?

**End**