**10910 18 May 2022**

**(CCC) Budget - Sports and Leisure facilities**  
  
Pre-application advise (Planning application of 21/03609/FUL)  
  
I would like to see the pre-application advice given by Cambridge Council to the developer

**Response**

Thank you for your request for information above, which we have dealt with under the terms of the Freedom of Information Act 2000.  
The information you have requested is refused under the exemption to disclosure  
at Regulation 12(5)(f): Interests of the person who provided the information to the public authority.  
Guidance provided by the Information Commissioner https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/ on the application of this exception requires the following considerations to be applied:  
  
• Would disclosure adversely affect the interests of the person who provided the information to the public authority?  
Any disclosure of the material must be considered to be into the wider public domain, therefore, there is a risk the information may be used for a purpose it was not originally provided for and potentially used in a manner that would adversely affect the third party. A duty of confidence is owed to third parties when they are in general correspondence with the Council that does not form part of formal records, such as planning files.  
  
• Was the person under, or could they have been put under, any legal obligation to supply the information to the public authority?  
The third party was not under any legal duty to provide this correspondence to the Council  
  
• Did the person supply the information in circumstances where the recipient public authority, or any other public authority, was entitled to disclose it apart from under the EIR?  
The information has been supplied under an informal customer enquiry relationship between the third party and the Council and we have no direct entitlement to disclose it into the public domain.  
  
• Has the person supplying the information consented to its disclosure?  
To attempt to assist you with your request, we have approached the third party and they have formally refused consent for the disclosure of this information  
  
• Does the public interest in maintaining the exception outweigh that in disclosure?  
Whilst in favour of disclosure is to show transparency of the planning process and decision making, it is also in the public interest to allow fair and frank discussion for third parties in gaining advice and understanding of planning process matters **10910 18 May 2022**

in a secure and safe environment, especially when, as here, there is no expectation that the correspondence would be made public and the material is not part of or would be formally retained as part of the formal planning process.  
  
The public expectation must be that customers can contact the Council and have discussions and interaction that is informal to assist and enable constructive relationships and support within the community it serves, with the confidence that those interactions retain a duty of confidence that cannot be easily overridden. In the absence of consent, there must be a clear and substantial justification for disclosure of any such material into the public domain.

We aim to provide a high-quality service to you and hope that you are satisfied with this response. If you have any further questions, please do not hesitate to contact us.

Further queries on this matter should be directed to [foi@cambridge.gov.uk](mailto:foi@cambridge.gov.uk)