



01 April 2016

Dear ,

ATISN 10296 - FOI/REQ/ESNR/Caerphilly LDP

Thank you for your request which I received on 03rd March requesting that you be furnished with all information provided by Caerphilly County Borough Council in support of their Local Development Plan, including any responses submitted by Welsh Government.

I have decided that all the above information is exempt from disclosure under section(s) **S21 (1) and S22 (1)** of the **Freedom of Information Act** and is therefore withheld. The reasons for applying these exemptions are set out in full in the Annex to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:



Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex

I have decided to withhold the following information:

1) Information submitted by Caerphilly County Borough Council to Welsh Government in support of their LDP (including any reference to development on green field sites)

This is considered to be exempt from disclosure by virtue of S21 (1) – Information reasonably accessible by other means. Caerphilly County Borough Council is currently consulting on its Deposit Local Development Plan (LDP) 11th February – 22nd April. The Welsh Government has not been furnished with any additional information relating to the Deposit LDP that is not already publically available. All information relating to the current consultation is in the public domain and can be accessed at the following link:

<http://www.caerphilly.gov.uk/Business/Planning-and-building-control-for-business/Local-Development-Plan/Deposit-Replacement-Plan-consultation>

This exemption is “absolute”. That is it is not subject to the public interest test.

2) Responses submitted by Welsh Government in relation to the Caerphilly Local Development Plan.

This information is considered exempt from disclosure by virtue of S22 (1) – Information intended for future publication. The Welsh Government is a statutory consultee in the LDP process and will make formal representations on the Deposit Plan within the statutory consultation period. This is the same for all stakeholders. The following link explains the role of Welsh Government in the plan making process:

<http://gov.wales/topics/planning/development-plans/ourrole/?lang=en>

All Welsh Government responses to Local Development Plans in Wales are available on the Welsh Government website. Responses are made publically available usually a few days consultation deadlines. Welsh Government responses in respect of the Caerphilly LDP that have already been published to date can be accessed at the below link. The Welsh Government response to the current consultation will also be made available on the below link a few days after the consultation deadline.

<http://gov.wales/topics/planning/development-plans/ourrole/local-development-plans-official-responses/?lang=en>

This exemption is a “qualified” exemption. That is, it is not enough that the information is intended for future publication, but rather we need to consider whether the public interest is best served by maintaining the exemption or releasing the information ahead of the intended publication date. In considering this public interest, we need to consider the effects of putting this information into the public arena, the effect of disclosure in response to a Fol request, irrespective of any legitimate interest the requester may have in obtaining the information.



There is a public interest in the public knowing the thoughts and opinions of the Welsh Government regarding the content of LDPs. This is acknowledged by the fact that Welsh Government responses are pro-actively published within a short period of the consultations on the LDPs being concluded.

Against that, it is in the wider public interest that the views and opinions of the Welsh Government are not made public before a consultation exercise has run its course. Disclosure before a consultation exercise has finished may influence how other parties respond to the consultation, including responding to the comments from the Welsh Government rather than just considering and commenting on the LDP. Disclosure ahead of the closing date may also draw the focus away from the LDP itself, with individuals focusing and commenting solely on the Welsh Governments response.

I believe that it is in the wider public interest that any Welsh Government response remains unpublished until after the consultation exercise has closed and as such, I therefore believe this information should not be released at this time.