

Please note, due to the size and number of attachments included, this is a partial response. To see the full version, please do not hesitate to contact the FOI team at : FOI@suffolk.gov.uk

Environmental Information Regulations – Response - 26884

Please could I make a FOI request for information regarding the former school site, St Felix Middle School in Newmarket in relation to the planning application made to West Suffolk Council including emails sent.

DC/23/0864/FUL

IG Request:- “Thank you for coming back to us however, in order for your request to not trigger the manifestly unreasonable exemption please could you confirm whether you are happy to narrow down the scope of your request to either information from just the main planning application consideration period i.e. **June – December 2023** or if you can let us know a specific subject area/aspect of the planning application that you would like to receive information on.”

Clarification: - “Okay, let's go ahead with what you suggest the planning period, to begin with. If needs be we can expand things at a later date.

1. I would like any information, correspondence, etc, regarding any consultation with Newmarket's elected county council councillors, Cllr Drummond and Hood, included though., especially where they have been consulted for their views and thoughts regarding the make-up and scope of the planning application.”

Please see attached files. The information provided follows extensive searches of Outlook, project files, MasterGov, R-Drive, SharePoint, MS Teams, PowerPoint by officers in Planning, Transport Strategy, Housing & Economic Development, Archaeology and Ecology for the period 1 June to 31 December 2023 and constitutes information held that is NOT already in the public domain (i.e. the West Suffolk Council planning website).

Search terms used:

- DC/23/0864/FUL
- Former St Felix School Fordham Road Newmarket/St Felix School Fordham

2. I would particularly like copies of all correspondence to and sent by Newmarket Cllr's Hood and Drummond.

Please find attached correspondence to and sent by Newmarket Cllrs Hood and Drummond – in their capacity as Suffolk County Councillors – in the main planning application consideration period i.e. June – December 2023 (as per the request for clarification). Where appropriate, personal information has been redacted.

3. I would also like to make a further request regarding any correspondence that was

sent regarding the change of allocation of the Scaltback from housing to school allocation. Suffolk County Council have not been able to identify any information in relation to this site being allocated to housing.

Redacted Information

All information released in response to a Freedom of Information Act 2000 (FOIA) or Environmental Information Regulation 2004 (EIR) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that this is personal information and is therefore exempt from disclosure under **section 40** of the FOIA and **regulation 13** of the EIR.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA or EIR is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA and regulation 13 of the EIR.