

11 September 2020



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Dear [REDACTED]

ENVIRONMENTAL INFORMATION REGULATIONS 2004 – REF: CA88

I write with reference to your information request received on 15 July 2020 and our emails to you of 20 July 2020 and 11 August 2020. As your request relates to environmental information it has been dealt with under the Environmental Information Regulations 2004 rather than the Freedom of Information Act 2000.

Request 1:

To date, the total number of responses received from the virtual public consultation regarding dualling the A10 between Cambridge and Ely (A10 Dualling and Junction Improvements - Virtual Public Information Exhibition).

Response 1:

The Cambridgeshire and Peterborough Combined Authority has received 709 online responses to the exhibition survey and 83 individual emails.

Request 2:

To date, all the comments received on route options A-G, and any additional comments received from the online survey feedback form or sent to you by email. Please categorise comments by route option (A through to G), and additional comments, and comments received by email. Please redact any identifying information.

Response 2:

Please note the report “A10 Junctions and Dualling” which is on the Combined Authority’s website at: [A10 Junctions and Dualling - Public Information Exhibition Report](#)

We would also draw your attention to the report “A10 Junctions and Dualling Outline Business Case” presented to the meeting of the Combined Authority Board at its meeting on 5 August 2020. This is also available on the Combined Authority’s website at:

[CPCA Board 05 08 2020 Agenda item 3.3](#)

This report provides an analysis of the online survey responses and summarises the responses to each option, providing a break down of the types of concerns raised and of the support and opposition to each option. This report does not contain personal information.

The Mayor’s Office
72 Market Street
Ely
Cambs
CB7 4LS

Your request is for the individual responses [redacted to anonymise them] rather than the analysis provided in the report. Put simply, you wish to have all the raw material rather than the analysis of it. For the 709 online responses most of the respondents chose to comment on all of the seven options meaning that there are up to 4,963 elements. In commenting on individual options the respondents tend to comment on the basis of the potential impact of each option on their home address and local community. In order to explain that impact they may well set out the location where they live by reference to local landmarks and thereby provide personal information which could identify them. Therefore in order for these elements to be anonymised requires not only for names and contact details to be removed but for each element of each response to be reviewed to identify any information which could identify the respondent so that it can be removed too.

To review nearly 5,000 pieces of information in order would take around 1,250 hours on the basis that it would take about 15 minutes to access each individual element, review its content, make any redaction and to save the redacted version for disclosure.

Regulation 12 of the Environmental Information Regulations 2004 sets out exceptions to the duty to disclose environmental information, these include where the request for information is manifestly unreasonable. The Information Commissioner's Office [ICO] has issued guidance on "*How do we work out whether the costs of dealing with a request are 'manifestly unreasonable'.*"

We have included the guidance as an appendix to this letter. The guidance confirms that the exception may apply where responding to the request would place unreasonable demands on the public body's resources but also refers to the statutory presumption in favour of the disclosure of environmental information and the requirement that any refusal to provide information on this basis is subject to a public interest test.

The ICO has also published guidance "*Manifestly unreasonable requests - regulation 12(4)(b)*" which is available at:

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

The guidance includes the following:

19. In assessing whether the cost or burden of dealing with a request is "too great", public authorities will need to consider the proportionality of the burden or costs involved and decide whether they are clearly or obviously unreasonable.

20. This will mean taking into account all the circumstances of the case including:

- the nature of the request and any wider value in the requested information being made publicly available;*
- the importance of any underlying issue to which the request relates, and the extent to which responding to the request would illuminate that issue;*
- the size of the public authority and the resources available to it, including the extent to which the public authority would be distracted from delivering other services; and*
- the context in which the request is made, which may include the burden of responding to other requests on the same subject from the same requester.*

21. It should be noted that public authorities may be required to accept a greater burden in providing environmental information than other information.

We have therefore considered these criteria.

Your request relates to an issue, the responses to consultation on the dualling of the A10, where there could be wider value in the information being made publicly available. However we would draw a distinction between the raw information which you have requested and the analysis of the raw information which is already in the public domain. The report on the consultation responses referred to above is comprehensive and would enable local people to understand the issues which had been raised in the responses to the consultation in relation to each of the options A to G. Anonymised versions of the raw information would provide additional information but the issues arising from that raw information are already set out in the public report.

Similarly we accept that the underlying issue, the proposal for the dualling of the A10, is an important one but we take the view that the public report enables local people to be informed about the responses to the consultation and that any further benefit in disclosing the raw information would be marginal. We also note that this was a preliminary consultation exercise and that there will be a statutory consultation later in the year.

The Combined Authority is small by comparison to county and district councils, employing less than 75 staff. As above, to respond to your request for the raw information would require an officer with appropriate experience to be deployed for a period of over 8 months exclusively in dealing with your request. That would clearly have a substantial adverse impact on the ability of the Combined Authority to perform its functions.

Your request is the only such request we have received so there is no wider context of other similar requests.

Having regard to these criteria and the presumption in favour of disclosure it is our judgment that the exception is engaged and your request is manifestly unreasonable due to the unreasonable demands it would place on the resources of the Combined Authority. We are therefore required to consider whether, notwithstanding that the exception is engaged, the public interest would favour disclosure.

The public interest in maintaining this exception lies in protecting the Combined Authority from exposure to a disproportionate burden or disruption to its activities in handling this information request. As above the exclusive deployment of one of the Combined Authority's limited number of officers for over 8 months to redact the personal information in the consultation responses in order to provide you with the requested information would impose a disproportionate burden on the Combined Authority and would cause a degree of disruption to its activities.

The public interest in disclosing the requested information lies in the greater transparency and accountability of the Combined Authority, greater public awareness and understanding of environmental matters, and potentially more effective public participation in environmental decision making, all of which ultimately contribute to a better environment. However in this case a comprehensive analysis of the information requested is already in the public domain.

This means that the benefits of disclosure of the requested information are marginal in the context of the information which is already in the public domain via the report which analyses the consultation responses.

On balance it is our view that the public interest in maintaining the exception and withholding the excepted information is greater than the public interest in disclosing the information. This part of your request is therefore refused and the information you have requested will not be disclosed to you.

The ICO's guidance also requires the Combined Authority, when refusing an information request on these grounds, to provide you with appropriate advice and assistance. It may be that the public report is sufficient for your needs but we accept that is a matter for your judgment and we are obliged to explain how your request might be refined to make it more manageable and therefore not manifestly unreasonable with a view to helping you submit a new, more manageable, request.

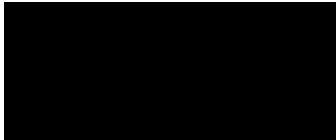
The time-consuming element of processing your current request would be the identification and redaction of personal information from individual responses. One option would be for you to limit your request to responses from public bodies and corporate bodies rather than individuals so that there would be no issues as to personal information.

I hope this information is helpful but if you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review, you should write to us via our contact us email address – contactus@cambridgeshirepeterborough-ca.gov.uk or write a letter to Complaints, Cambridgeshire and Peterborough Combined Authority, the Mayor's Office, 72 Market Street, Ely, Cambs CB7 4LS within 40 days of the date of this e-mail.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or via their website: <https://ico.org.uk/>

Generally, the ICO will not undertake a review or make a decision on a request until the internal review process has been completed.

Yours sincerely



Sue Hall
Governance Assistant

How do we work out whether the costs of dealing with a request are ‘manifestly unreasonable’?

The Regulations do not define a ‘reasonable’ amount of money or time that a public authority should spend on a request, or a linked series of requests from the same person or group – there is no legal equivalent to the ‘appropriate limit’ provided under the Freedom of Information Act.

To work out whether the costs of dealing with a request can be treated as manifestly unreasonable, you should consider whether dealing with the request would place unreasonable demands on your resources – this may depend on the size of your organisation.

Currently, the cost limit set by Parliament for complying with requests under the Freedom of Information Act is £600 for central government, Parliament and the armed forces and £450 for other public authorities. Staff time is currently rated at £25 per person per hour, regardless of who does the work, including external contractors. You can use these limits only as an indication of the costs you might reasonably take into account when complying with a request for environmental information. The cost of complying may exceed the Freedom of Information Act costs limit, but this doesn’t mean it would be manifestly unreasonable under the Regulations for you to comply with the request. You should also bear in mind that there is a presumption in favour of disclosure under the Regulations.

If you decide that a request is manifestly unreasonable, for example because it places an unreasonable burden on your resources, you still have to consider the public interest test. The fact that the request is manifestly unreasonable doesn’t mean there can’t be strong public interest arguments in favour of disclosure.

The code of practice on public authorities fulfilling their obligations under the Regulations does not cover the advice and assistance you should give when you refuse this type of request. However, we would expect you to help a requester to rephrase their request in a way that would allow you to provide some information.

Remember that the Regulations say you can extend the 20-day period for complying with a request for information to 40 working days, to give yourself more time to locate and provide the information:

- when a request is for a large amount of information that is complex; and
- it would be impracticable to comply with the request or decide to refuse to comply within 20 working days.

In this case, you should let the requester know within 20 working days that you need more time to respond.

For further information, read our more detailed guidance:

