

Process for responding to requests relating to planning applications under the Environmental Information Regulations 2004

The following process should be considered alongside the overall process for responding to EIRs as detailed in the EIR internal guidance document available on the MKC intranet.

This process is to be followed for all planning EIRs up until the liaison officers within the planning department have received sufficient training to enable them to respond to simpler EIRs without FOI team involvement (for example, a request for the number of planning applications between set dates or the amount of Section 106 monies received or spent).

More complex planning EIRs will continue to be responded to by the FOI team, following the below process. Such requests might include requests for correspondence or those involving more high-profile planning applications.

Process:

1. New information request received and triaged by the FOI Team
2. Request sent to planning liaison officers to compile the information. A checklist of identified systems for searching is detailed in Appendix 1.
3. Planning liaison officers and a member of FOI team have weekly calls while case is open
4. If information is not held or if clarification is required, planning liaison officers to advise the FOI team within 5 working days and no later than 20 working days from receipt of the request. If clarification is required on only part of the request then the remainder must continue to be processed within the 20 working day timeframe.
5. Where an EIR refers to a planning application planning is to determine if any other departments have been involved in the application and contact them for any relevant information they hold. A checklist of identified departments to be checked is detailed in Appendix 2.
6. Planning return the relevant information to be disclosed to the FOI team within the 20-working day statutory deadline (or within 15-working days if redactions are required or exceptions considered).

The response must include, where relevant (for example, requests for all details relating to a planning application or correspondences relating to a planning application), the following:

- The requested information or details of why it has not been disclosed. Where exceptions and the public interest test have been applied full details must be included in line with the Regulations and ICO guidance. Where information has been omitted from disclosure it must be stated (unless it would be in breach of the Regulations) what has been withheld and why. Where redactions have been made within a document these must detail why this information has been withheld (for example, the relevant exception or out of scope).
- A copy of all statutory planning documents (as detailed in Appendix 3) or details of where they can be found if they are present online. If they cannot be disclosed or are not held it must be explained why this is the case.
- What searches were undertaken to source the requested information (where was searched, what search terms were used and why this was considered sufficient)

Appendix 1 – Checklist of Systems to search

- Relevant officer mailboxes
- Shared mailboxes
- Shared planning drive
- Relevant officer local drives
- Line of business systems (Uniform / Info@Work)
- Relevant officer work phones (in the case of images)

Appendix 2 – Checklist of Departments

- Building Control
- Environmental Health
- GIS/LLPG
- Highways
- Landscaping
- Legal

Appendix 3 – Checklist of Statutory Documents

- Application form
- Decision notice