

Our Refs: EIR 101327

**Head of Planning and
Development**

Operations Directorate Midlands
Floor 9 The Cube
199 Wharfside Street
Birmingham
B1 1RN

www.highwaysengland.co.uk

03 September 2020

Dear

**Request for information under the Environmental Information Regulations
2004**

Thank you for your request for information dated 6 August 2020. Your request has been dealt with under the terms of the Environmental Information Regulations 2004.

This is because the information requested concerns measures and activities affecting or likely to affect elements of the environment or affect factors such as noise, pollution discharges and other releases into the environment.

In your request you said:

I wish to make a new EIR request.

Can i please see any correspondence, reports, modelling, emails or notes relating to the Keresley SUE (or any of the constituent applications), and to applications at Eastern green since the end date of my previous request (which i think took me up to 2 Feb 2020). I wish to see materials arising since then up to the present day. ~Basically, i want an up date.

I do not require personal information, but i would like to see the authority or company involved in correspondence. therefore, in redacting documents, would you please leave the second part of t he email address so i can see@coventry.gov.uk or ... @brookbanks.co.uk etc

Can you please consider this as 2 separate requests - one for correspondence, emails, and reports. the other for modelling and any matter which might engage confidentiality or commercial interest. I ask for this

separation, so as to speed the delivery of material which can be straightforwardly released, and does not require consultaation with any other parties. I am concerned about the long passage of time in getting documents. I would prefer half the material sooner, rather than everything a lot later.

On the 10 August 2020 we advised you that we had logged your requests under the following reference numbers:

EIR 101326 - *Any correspondence, reports emails or notes relating to the Keresley SUE applications from 2 February 2020 to 6 August 2020.*

EIR 101327 - *Information regarding modelling and any matter which might engage confidentiality or commercial interest relating to the Keresley SUE (or any of the constituent applications), and to applications at Eastern green 2 February 2020 to 6 August 2020.*

We are refusing your request for ***Information regarding modelling and any matter which might engage confidentiality or commercial interest relating to the Keresley SUE (or any of the constituent applications), and to applications at Eastern green 2 February 2020 to 6 August 2020*** under [Regulation 12\(4\)\(b\)](#) of the Environmental Information Regulations as manifestly unreasonable, as the request is considered to be vexatious.

Highways England is treating your request as vexatious on the same basis as those allowed under [Section 14\(1\)](#) of the Freedom of Information Act 2000, and namely for the following reasons:

- We have responded to your previous requests for information under reference numbers EIR 100554, 100791, 101040, 101047 and 101097. We will be responding to request EIR 101158.
- We have advised you that once we have considered planning applications we submit our response (advice and guidance) to the Local Planning Authority who determine the application. Highways England has no decision-making powers in the planning process.
- ..., Spatial Planner for Highways England, discussed your requests and explained the role and function of Highways England in the planning process in a phone call with you on 3 June 2020.
- We have advised you that [Coventry City Council](#) and [Warwickshire County Council](#) are the Local Planning Authorities, and that they are more appropriately placed to respond to your requests for information about these planning applications.

- We have provided you with contact details for ..., Highways Officer at Coventry City Council and ..., Planning Officer at Coventry City Council.
- We feel it would impose a grossly oppressive burden on the Company to locate, review and prepare the information for disclosure and, furthermore, that the repeated submission of lengthy requests of this nature is done to cause disruption to the Company.

Further requests of this nature and size made to Highways England from you about Highways England's discussions regarding planning applications between Coventry City Council and Warwickshire County Council will be considered as vexatious.

If you are unhappy with the way we have handled your request you may ask for an internal review within 2 months of the date of this response for Freedom of Information requests and within 40 days for Environmental Information Regulations requests. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

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

If you have any queries about this letter, please contact me. Please remember to quote reference number EIR 101327 in any future communications.

Yours sincerely

PP

Head of Planning and Development