

Ms' Sheila Oliver,
Via email –
sheilaoliver@ntlworld.com

Compliance & Customer Relations
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ
01270 686605
foi@cheshireeast.gov.uk

DATE: 10th March 2014

OUR CASE REF: 807823

Dear Ms Oliver,

RE : FOI CASE REFERENCE 807823 – “Please may I have, by email, all documents pertaining to the Bewilderwood project compiled during 2013.”

Please see below a link to the planning application details page of Cheshire East Council's website. The page relates to planning application 12/1166M – Use of Land for Outdoor Adventure Attraction, Including Car Park and Associated Infrastructure at Tatton Park. This will include documents within the scope of your request.

<http://planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=12/1166M&query=3ae7b614-ad21-4a1a-9eb9-a8f111814827>

I have also attached one further document. It is an Informal Cabinet Briefing Note. This is the only other document produced in 2013. It has not been in the public domain previously.

In relation to the Informal Cabinet Briefing Note, please be advised that section 3 has been redacted. This is because section 3 has précised a report from Price Waterhouse Cooper which contains a clause that prohibits the disclosure of the information to third parties. The report was provided by Price Waterhouse Cooper on the basis that it must be treated as confidential information. The BeWILDerwood (Bure Valley Ltd) Business Plan was appraised by Price Waterhouse Cooper who applied sensitivity analysis across all components to moderate the financial scenarios and provide support to the negotiating position of the Council regarding financial return and 'step-in' rights. Subsequently, based on Bure Valley's business plan and their projections of income and expenditure, negotiations took place and a financial model was agreed, in principle, which showed the potential to generate additional income for Tatton Park.

It is the Council's position that this information is “commercial information” and is subject to a duty of confidence.

Regulation 12(5)(e) EIR applies where information is commercial or industrial in nature; the information is subject to confidentiality protected by law; such confidentiality is provided to protect a legitimate economic interest; the disclosure of such information would adversely affect such confidentiality Bristol City Council v ICO and Portland Brunswick Squares Association EA/2010/0012.

Public Interest Test

The EIR presumption in favour of disclosure is subject to an exception where there is a legal duty of confidentiality. It is submitted that there is a strong public interest in the maintenance of valuable commercial confidential information, as without such an assurance third parties would be discouraged from confiding in public authorities. The harm to the Council is an undermining of trust and confidence in dealings with third parties and the harm that disclosure would affect the public authority's ability to do similar business with others in the future, with similar harm to the public interest. The disclosure of confidential information by a public body engages ECHR rights *Veolia v Nottinghamshire CC* [2010] ECHA 1214.

The harm to the Council and Bure Valley is as fore stated. A third party may replicate the business model; or another landowner within the local area would have specific knowledge which would allow them to develop this project or a competing project, taking away or diminishing the financial benefit Tatton would derive from a family attraction

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 under the Freedom of Information Act you should write to the Compliance Unit, Cheshire East Council, Westfields, Middlewich Road, Sandbach, Cheshire, CW11 1HZ.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours faithfully

H M Gough.

Mrs H M Gough,
Senior Compliance and Customer Relations Officer.