

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 5 December 2011

Public Authority: Luton Borough Council
Address: Town Hall
George Street
Luton
Bedfordshire
LU1 2BQ

Decision (including any steps ordered)

1. The complainant submitted a series of requests to Luton Borough Council (the Council) which broadly focused on proposed developments in and around Luton. The Council answered a number of these requests under FOIA but then refused to fulfil a number of further clarified requests on the basis of 'disproportionate effort'.
2. The Commissioner has found that a number of these clarified requests seek environmental information and thus should have been considered under the EIR rather than FOIA. However, the Commissioner has concluded that it would be manifestly unreasonable to expect the Council to fulfil the outstanding requests which seek environmental information and thus the Council does not have to answer these requests. Furthermore the Commissioner has concluded that to fulfil the outstanding requests which do not seek environmental information would take longer than 18 hours. Therefore under the terms of FOIA the Council is not obliged to respond to these requests either.

Request and response

3. On 24 January 2011 the complainant submitted 24 numbered requests to Luton Borough Council (the Council). The broad focus of these requests was proposed developments in and around Luton. The full text of these requests is included in the annex at the end of this notice.

4. The Council responded on 28 February 2011 and provided information in response to some of the requests. However, the Council explained that some of the requests had not been sufficiently specific to allow it to locate the information requested. For such requests, the Council suggested how these could be clarified. The Council also explained that it did not hold information in relation to a number of the requests.
5. The complainant contacted the Council again on 8 April 2011. In this response the complainant explained why he was dissatisfied with the response provided to a number of his requests. For some requests the complainant provided further clarification to identify the information that was being sought. The clarifications provided by the complainant (which are in effect clarified versions of his original requests) are also included in the annex at the end of this notice.
6. The Council responded on 28 April 2011. It explained that a public authority does not have to comply with a request on the basis of section 12 of FOIA if the estimated cost of doing so would exceed the appropriate limit of £450. The Council explained to the complainant that 'given the extensive range of questions that you have included and the amount of time we have already spent on this request, the further work necessary to collate the remaining information will significantly transcend the specified limitation. The request is therefore declined on the basis of disproportionate effort'. However, the Council did inform the complainant that in relation to request 8, details of senior officials' salaries were now available on its website.
7. The complainant contacted the Council again and explained his dissatisfaction with its handling of his requests noting that in his opinion only 8 of the 24 had been competently answered. He also explained that he was prepared to cover the costs incurred by the Council in complying with the clarified requests.
8. The Council responded and confirmed that its position remained that to comply with the clarified requests would result in disproportionate effort.

Scope of the case

9. The complainant contacted the Commissioner on 19 May 2011 to complain about the way his requests for information had been handled.
10. The Commissioner has established with the complainant that he is satisfied with the responses given to the requests numbered 6, 8, 9, 12, 16, 17, 18, 19 and 21.

11. Therefore, at the time this notice is issued the scope of the Commissioner's investigation is limited to establishing whether the Council was entitled to refuse to comply with the remaining requests, or more accurately, the clarified versions of these requests on the basis that to do so would exceed the appropriate cost limit.

Reasons for decision

Clarified requests as new requests

12. In the Commissioner's opinion when a public authority asks an applicant to clarify a request, and the applicant submits a clarified request, then technically speaking that clarified request is treated as a new request.

The applicable access regime

13. The Commissioner's reasoning which follows should be read in conjunction with the table set out in the attached annex. In addition to containing the complainant's requests, this table also includes details of the submissions provided to the Commissioner by the Council in relation to the estimated time for dealing with the requests.
14. Although the Council dealt with all of the requests under FOIA, in the Commissioner's opinion some, indeed the majority, of these requests are for 'environmental information' as defined by the Environmental Information Regulations 2004 (the EIR). Therefore these requests should have been dealt with under that access regime rather than under FOIA.
15. In circumstances such as this case where it is not possible for the Commissioner to view the requested information because a public authority's position is that to provide it is too costly, he has to make a determination as to whether information is environmental information based simply upon the wording of the request, along with any other relevant factors, e.g. the broader context of the request.
16. In the Commissioner's opinion, a number of the requests are clearly focused on the various activities which formed part of the proposed developments in and around Luton, for example housing, employment sites, a rail freight exchange and a potential bypass.
17. In the Commissioner's opinion, information falling within the scope of these requests would constitute environmental information under regulation 2(1)(c) of the EIR. Under this regulation such information has to meet two criteria:

- The information itself must be on a measure or activity;
 - The measure or activity (not the information itself) must affect, or be likely to affect, the elements and factors in 2(1)(a) and (b), or be designed to protect the elements in (a). These elements include the air and atmosphere, water, land and landscape; the factors include substances, energy, noise, radiation and waste.
18. The Commissioner considers that the phrase 'any information...on' should be interpreted widely in line with the purpose expressed in the first recital of the Council Directive 2003/4/EC, which the EIR enact. In the Commissioner's opinion, a broad interpretation of this phrase will usually include information concerning, about or relating to the measure, activity, factor etc in question. In other words, information that would inform the public about the matter under consideration and would therefore facilitate effective participation by the public in environmental decision making is likely to be environmental information.
19. In the Commissioner's opinion, the information on the various activities which form part of the proposed developments around Luton will be likely to affect the factors and elements of the environment. For example, the construction of a new bypass would obviously affect numerous elements of the environment.
20. In the third column of the attached annex the Commissioner has indicated which of the requests he thinks should have been dealt with by the Council under the EIR. For the requests where it is not clear whether the requested information would be environmental or not without examining the information itself, the requests have been marked as 'mixed'. The Commissioner has also marked as 'mixed' any requests which he thinks are likely to seek a mixture of both environmental and non-environmental information.

Refusing a request on the basis of disproportionate effort

21. Neither the FOIA nor the EIR allow a public authority to refuse to comply with a request on the basis that doing so would constitute a disproportionate effort as the Council asserts.
22. Section 12 of FOIA allows a public authority to refuse to comply with a request if to do so would exceed the appropriate limit. In the case of the Council this limit is £450, representing 18 hours work at a charge of £25 per hour. The only activities that a public authority can take into account are set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations (the 'Fees Regulations') and are the following:

- determining whether it holds the information;
 - locating the information, or a document containing it;
 - retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
23. When refusing a request on the basis of section 12 a public authority does not need to have made a precise calculation of the costs of complying with the request, rather it only needs to have made an estimate of the cost. However, in the Commissioner's opinion, such estimates need to be sensible, realistic and supported by cogent evidence.
24. The EIR do not have a provision where a request can be refused if the cost of complying with it would exceed a particular cost limit. Rather the EIR contain an exception, namely regulation 12(4)(b), which the public authority can rely on to refuse a request if they consider it to be 'manifestly unreasonable'.
25. Although the Fees Regulations are not directly applicable to the EIR, in the Commissioner's view they can provide a useful point of reference when public authorities argue that complying with a request would incur an unreasonable cost and therefore could be refused on the basis of regulation 12(4)(b).
26. However, there are additional factors that should always be considered in assessing whether the costs of complying with a request for environmental information are manifestly unreasonable, in particular:
- Proportion of burden on the public authority's workload, taking into consideration the size of the public authority; and
 - The individual circumstances of the case, including the nature of the information requested and the importance of the issue at stake.
27. Furthermore regulation 12(4)(b) is subject to the public interest test.

Aggregating the cost of complying with requests

28. In the Commissioner's opinion, when an applicant submits a piece of correspondence containing numerous requests – as is the case here – each request is technically a separate request. Therefore the complainant has not just submitted one request to the Council but 24 separate requests.

29. Under the Fees Regulations, public authorities can aggregate the cost of complying with requests if they 'relate, to any extent, to the same or similar information'. The Commissioner interprets this phrase broadly and thus as long as there is an overarching theme or common thread running between them in terms of the nature of the information that has been requested, then the cost of complying with the similar requests can be aggregated. Furthermore, the Fees Regulations allow for the aggregation of similar requests which have been received a public authority over a period of 60 consecutive working days.
30. Having reviewed the complainant's original 24 requests, and the clarified versions, the Commissioner has concluded that they all relate to the same or similar information. As such the cost of complying with them can be aggregated. This is because the information that has been requested focuses on the proposed developments in and around Luton or on issues that are at least tangential to these proposed developments. (The only exception to this finding is request 8, the Council's handling of which, as explained above, does not fall within the scope of this notice.)

Calculating and aggregating costs where the requests span different access regimes

31. In the Commissioner's opinion when aggregating requests and applying section 12 under FOIA or regulation 12(4)(b) under the EIR, the requests that clearly fall under different access regimes cannot be aggregated. This is because each access regime provides a separate right of access to information and it would not be fair to the applicant if the cost of accessing information under one piece of legislation (say FOIA) prevented him accessing different information under another piece of legislation (say the EIR).
32. However, when an individual request is likely to cover information that falls under more than one regime – e.g. the mixed requests highlighted on the annex – then the Commissioner:
- Will allow the costs of responding to the whole request under the FOI Act.
 - Will allow only the costs of providing the environmental information to be considered under the EIR. However, the Commissioner recognises that in some cases, including this one, in order to provide any such environmental information the public authority will need to collate all of the requested information before identifying which is environment and which is not. Thus the costs of collating all of the requested information will be allowed.

33. The practical consequence of this approach is two fold:
34. Firstly, for the requests that fall within the scope of this complaint the costs of complying with the requests marked in the third column of the table in the annex as FOI and mixed can be aggregated together. This consists of the requests numbered: 4, 7, 11 and 13. In addition the costs already incurred by the public authority in dealing with the FOI and mixed requests can also be taken into account.
35. Secondly, for the requests that fall within the scope of this complaint the costs of complying with the requests marked as EIR and mixed (insofar as they relate to the collation of that information) in the third column of the table in the annex can be aggregated together. This consists of the requests numbered: 1 to 5, 7, 10, 13 to 15, 20 and 22 to 24. In addition such costs already incurred by the public authority in dealing with the EIR and mixed requests can be taken into account.

The FOI and mixed requests

36. In addition to providing the specific estimates by request as set out in annex, the Council highlighted to the Commissioner that a major issue in complying with the outstanding requests was the fact that the information sought covered some very wide topics over an indeterminable time period involving several teams in several authorities, agencies and bodies. All of the requests relate in some way to the process of gathering evidence to support proposals contained in the planning documents produced for the Joint Planning Committee. However, the relevant evidence had originated from many sources and was originally undertaken for a variety of reasons. It spans some 10 years and includes four different local authorities and various organisations.
37. The Commissioner notes that the Council's estimates for the time it would take to fulfil the amended versions of requests 4, 7, 11 and 13 far exceeds the 18 hours provided within the appropriate limit of section 12 of FOIA. In the Commissioner's opinion, although the Council has not been explicit about this, the tasks of locating and then retrieving the information could presumably be undertaken simultaneously thus reducing the time taken to fulfil these particular requests. However, even taking this into account, it is clear to the Commissioner that the estimates still exceed the appropriate limit.
38. This is before the time already taken by the Council in complying with the FOI and mixed requests to date is taken into account. The Council informed the Commissioner that it had already undertaken 18 hours work. In making this assertion the Council did not provide a breakdown as to how these 18 hours were incurred in respect of the various

requests. Nevertheless taking into account the fact that nine of the 21 requests are either FOI requests or mixed, the Commissioner accepts that it is allowable for the Council to add at the very least a significant minority of the 18 hours estimate set out in the annex to the time taken to comply with the clarified requests 4, 7, 11 and 13.

39. On this basis – and moreover taking into account the narrative description about the background set out by the Council – the Commissioner is satisfied that complying with the clarified versions of requests 4, 7, 11 and 13 would take the Council more than 18 hours. The Council is therefore entitled to rely on section 12 to refuse to comply with the amended versions of these requests.

The EIR and mixed requests

40. Again, the Commissioner notes that the Council's estimates for the time it would take to fulfil the amended versions of requests 1 to 5, 7, 10, 13 to 15, 20 and 22 to 24 far exceeds the 18 hours provided within the appropriate limit of section 12 of FOIA, even taking into account for the fact that the activities of locating and retrieving information could presumably be carried out simultaneously. However, as noted above, under the provisions of the EIR simply because the appropriate cost limit is reached, this does not necessarily mean that the request is manifestly unreasonable; the wider circumstances of the case need to be taken into account.
41. In the circumstances of this case, the Commissioner notes that the time taken to comply with the amended EIR and mixed requests would be likely to not just exceed 18 hours by a small margin, but in fact by some significant margin. That is to say, answering these clarified requests would involve a considerable use of resource by various different departments within the Council. Whilst the Commissioner does not dispute the importance of the issues at stake to the residents in Luton, he is nevertheless persuaded that complying with all of these amended requests would place an unreasonable burden on the Council.
42. The Commissioner notes that for some of these clarified requests the Council's latest position, as set out in the annex, is that it does not in fact hold any further information falling within the scope of the request (e.g. request 14). The Commissioner accepts that it could be argued that it would be appropriate for the Council to rely on regulation 12(4)(a) of the EIR in respect of such requests. This exception allows a public authority to refuse to disclose information if 'it does not hold that information when an applicant's request is received'. However, in the circumstances of this case the Commissioner accepts that for the Council to undertake any further work in order to address any dispute the complainant may have with the fact that the Council's position that such

further information is not held would add to the burden placed upon the Council in dealing with these requests. The Commissioner is therefore satisfied that the Council can rely on regulation 12(4)(b) in order to refuse such requests.

43. Having determined that the requests are manifestly unreasonable and regulation 12(4)(b) was engaged the Commissioner has gone on to consider the public interest test.

Public interest in complying with requests

44. The Commissioner accepts that there is a strong public interest in disclosure of environmental information in general as it promotes transparency and accountability for the decisions taken by public authorities.
45. There is a strong public interest in disclosure of information regarding planning strategies in particular because such information has an impact on the day-to-day lives of individuals living in a particular area. In this case, the complainant highlighted the level of interest from local residents in Luton to the various proposals which the requests covered and the concerns of these residents as to the impact of such proposals.

Public interest in maintaining the exception

46. The Council argued that the given the context of the increasingly difficult financial climate which local government has to operate within, it believed that to comply with these requests would be an inappropriate use of resource, given the urgent need to deal with planning applications and the other day-to-day priorities of the Council.

Balance of public interest test

47. The Commissioner's decision in this case is that while there is an undoubted public interest in the disclosure of information relevant to the requests, the public interest is best served by allowing the Council to continue with its core planning duties, and indeed the other services it provides without the significant distraction, in terms of time and expense, compliance with these requests would present. In reaching this decision, the Commissioner is mindful of the significant amount of time that would be required to respond to the requests and increasing pressure on the limited resources available to the Council.

Right of appeal

48. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

49. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
50. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Alexander Ganotis
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex – table of requests and Council's position on complying with requests

Requests submitted to Council on 24.01.11	Amend/clarified requests submitted on 08.04.11	FOI, EIR or mixed?	Council's views as to whether it holds information	Locate info.	Retrieving info.	Extracting info.	Remaining comments by Council
1. Please supply copies of the transport reports for the proposed North of Luton development, including the percentage increase in vehicular traffic for the A6?	There is a proposed 100 acre Rail Freight Interchange supported by the Joint Planning Committee since 2008. Please supply the transport or financial appraisals that supported this decision and which will be presented to an Inspector at the public enquiry. Clearly a) new station has to be built, b) new access has to be constructed in and out of it. We are seeking any reports that support access with costings for a new Rail Freight Interchange which support the statement made in the	EIR	Various transport analysis works has been done to justify the northern bypass development by several organisations over a number of years. This is held in various locations and it would be very difficult to know whether we had located all the relevant information. We would need to check through all Core Strategy information that is held by the Council, which	2 days using 2 staff members (full time)	2 days	2 hours	The Council are unlikely to hold all this information, although we may have some contained in documents that we have been sent in the past. We could not guarantee that the information would be (a) complete or (b) up to date.

	<p>Sustainability Appraisal dated October 2010 that the, "site may generate significant traffic (including HGVs) on the local network" . Please confirm what substantiated this statement and please check again if there are any reports held?</p>		<p>may be in a number of different locations, including storage facilities following the dissemination of the Joint Technical Unit. In addition we would need to check the files of the transport teams.</p>				
<p>2. Please supply copies of the Rail Freight Interchange transport reports with transport infrastructure costs (rail and road)?</p>	<p>The timeframe is irrelevant. 4000 houses are proposed to the North of Luton and Central Bedfordshire Assets department has said they can be built now. Where is the transport assessment and reports to support this preferred option in the Core Strategy and Central Beds Assets statement? If there is no reports please once again confirm?</p>	<p>EIR</p>	<p>It is unlikely that we hold any of this information but to be sure would require extensive trawls through information connect with the Core Strategy.</p>	<p>2 days using 2 staff members (full time)</p>	<p>2 days</p>	<p>2 hours</p>	<p>The Council are unlikely to hold all this information, although we may have some contained in documents that we have been sent in the past. We could not guarantee that the information would be (a) complete or (b)</p>

							up to date.
3. Please supply details of why the proposed Luton Northern Bypass was moved further into the Area of Outstanding Natural Beauty and further into Central Bedfordshire Council owned land?	[name redacted], Access to Information Officer at Central Beds Council has confirmed that the Luton Northern Bypass route is still being refined in consultation with Luton Borough Council. Please supply all documents of this consultation?	EIR	A full response to this question was made in our letter dated 28.02.11 – there is nothing further to add.	N/A	N/A	N/A	
4. Please supply details of how much Central Bedfordshire Council have spent on promoting their own	Please supply details of the monies that Luton Borough Council has spent on promoting the preferred strategic sites in the Core Strategy?	Mixed	It is unlikely that we hold any of this information but to be sure would require extensive trawls through information connect with the Core Strategy.	2 days using 2 staff members (full time)	2 days	2 hours	The Council are unlikely to hold all this information, although we may have some contained in documents that we have been sent in the past. We could

land?							not guarantee that the information would be (a) complete or (b) up to date.
5. Please list all the reports that the developers from the North of Luton have submitted to the Joint Technical Unit to support their case for development ?	Please list all the reports that the developers or landholders (Martin Grant Homes, Taylor Wimpey, Crown Estates, Prologis and Central Beds Council) from the North of Luton, that have been submitted to the Joint Technical Unit to support their case for development? Timeframe is irrelevant as these should be easily accessible in the representations made.	EIR	Central Bedfordshire Council had asked for further clarification regarding this request. Details of what the proposers of sites have submitted during the representation stage of the Core Strategy are available at the 'shapeyour future' website. We are not aware of any other information being held but could look through all the information we have connected	2 days using 2 staff members (full time)	2 days	2 hours	The Council are unlikely to hold all this information, although we may have some contained in documents that we have been sent in the past. We could not guarantee that the information would be (a) complete or (b) up to date.

			with the Core Strategy.				
6. Please supply details of how much Luton Borough Council and Central Bedfordshire Council have spent on the Core Strategy and all related Green Belt review planning to date?	Not relevant – complainant happy with initial response.	Mixed	Yes				
7. Please supply a copy of the contract between Lachlan Robertson or his company Pselios Limited and Luton and Central	Thank you for confirming that the contract is between the Council and Quantica agency. Please confirm what position Lachlan Robertson holds in the company, who the point of contact is from both parties and please supply a copy of the original contract	Mixed	It is possible that a copy of the contract for Mr Robertson and Central Bedfordshire is in one of the old files, however, these files are stored in various locations (not all within Luton)	2 days using 2 staff members (full time)	2 days	2 hours	The contract is held by Central Bedfordshire Council, not the Council but is difficult to say that we do not have a copy in storage somewhere.

<p>Bedfordshire Council? Any changes or amendments to the contract over the course of his employment please specify in detail? Please also supply details of any bonuses, expenses or other incentives that have been agreed or have already been paid?</p>	<p>between the Council and Quantica agency, along with any alterations or amendments that have been made since its formation?</p>		<p>and in various formats.</p>				
<p>8. Please supply details of how much Gary Alderson, Chris Pagdin, Colin Chick, Trevor</p>	<p>Please supply details of how much you and Colin Chick are being paid by Luton Borough Council, along with bonuses and expenses?</p>	<p>FOI</p>	<p>No</p>				

Saunders are being paid per year, including bonuses and expenses?							
9. Please supply a plan of the proposed Rail Freight Interchange?	Not relevant – complainant happy with initial response.	EIR	Yes				
10. Please detail any connection between the proposed North of Luton development and the Luton City Bid?	Please answer again. Colin Chick has done presentations that are on the Luton Borough Council website that clearly show and includes the Luton Northern Bypass.	EIR	Council not aware of connection between Luton City Bid and the North of Luton development. However, services and departments within Council can be contacted to ask if they have any information regarding this	1 day using 1 staff member (full time)	4 hours	0.75 days	Already answered – Council can check further (email trawl), but extensive numbers of officers may have been involved and a senior officer would have to read them all and identify the relevant ones.

			matter.				
11. Please detail the cost of the Luton City bid and detail who has contributed to the bid?	In the Colin Chick presentations that are published on the website, Crown Estates and Prologis sites are included. Please confirm whether or not they have supported the City Status bid and have made any financial contributions?	FOI	We have already set out that the bid is being sponsored by private sector organisations, therefore Luton do not hold this information. We may have some information but it would probably be related to other work going on and would not give the whole picture or total costs.	3 hours 1 member of staff (part time)	2 hours	1 hour	Information may be spread across various council departments and partner organisations.
12. Please detail how many new schools are proposed on the North of Luton development ?	Not relevant – complainant happy with initial response.	EIR					

<p>13. Please supply minutes of the meeting held on 17th June 2010 between senior Members and Officers of Central Bedfordshire Council?</p>	<p>Thank you for confirming that there was a meeting held on 17th June 2010 and no minutes were taken. However you widely circulated an email stating the joint working arrangements expressed by Trevor Saunders on behalf of Central Bedfordshire Council. Please confirm why you circulated an email that stated Luton Borough Council members should not support a competing development to the North of Luton, known as "Bushwood" at committee? Please confirm who the Members and Officers from Central Bedfordshire Council you referred to are, and why Trevor Saunders contacted you as a Luton Borough Council Representative?</p>	<p>Mixed</p>	<p>We do not hold this information.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Answered previously and confirmed there are not minutes.</p>
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14. Please supply details of any emails between Lachlan Robertson, Councillor Nicols and Davis concerning the request for an extension to the public consultation period that was eventually denied?	Thank you for the responses sent. Unfortunately you have not provided all of the information and can you please send us the word document titled "Letter to Luton Group Leaders" that is referred to in the Roy Davis email dated 14 December 2010 and in the Lachlan Robertson email dated 15 December 2010?	EIR	A full response to this question was made in our letter of 28.02.11 – there is nothing further to add.	N/A	N/A	N/A	
15. Please supply details of any correspondence concerning the North of Luton or Rail Freight Interchange	We are seeking all documents between Nadine Dorries MP, Kelvin Hopkins MP and Andrew Selous MP, and Central Bedfordshire or Luton Borough Council in regards to the Rail Freight Interchange proposals to the North	EIR	Further clarification was sought regarding the timeframe of the requested correspondence. if we hold any information, it may be located in various areas	2 days using 2 staff members (full time)	2 days	2 hours	Luton are unlikely to hold all this information, although we may hold some contained in documents that have been sent in the past. We

<p>proposals to the North of Luton between Nadine Dorries MP, Kelvin Hopkins MP and Central Bedfordshire Council, Luton Borough Council or the Joint Technical Unit?</p>	<p>of Luton dated back to 6 months before the Joint Planning Committee endorsement of preferred option on 30 June 2008? Alternatively since Central Beds Council formation on 1 April 2009?</p>		<p>and it would be very difficult to know whether we had located all the relevant information. We would need to check thorough all Core Strategy information that is held by Luton, including storage facilities following the dissemination of the Joint Technical Unit. In addition we would to need to check the files of the transport teams.</p>				<p>could not guarantee that the information would be (a) complete or (b) up to date.</p>
<p>16. Please supply details of whom from Luton Borough Council responded to the two press articles in the</p>	<p>Not relevant – complainant happy with initial response.</p>	<p>Mixed</p>					

<p>Luton and Dunstable express and who from Luton Borough Council was consulted with in preparing the response?</p>							
<p>17. Please supply details of how much affordable housing will be allocated to the North of Luton?</p>	<p>Not relevant – complainant happy with initial response.</p>	<p>EIR</p>					
<p>18. Please supply a copy of any contracts between Central Bedfordshire Council and</p>	<p>Not relevant – complainant happy with initial response.</p>	<p>Mixed</p>					

the other developers in the North of Luton?							
19. Please list all other dealings other than the North of Luton that Central Bedfordshire Council has had with its fellow developers Taylor Wimpey and Martin Grant Homes or their accountants Deloittes over the past 5 years?	Not relevant – complainant happy with initial response.	Mixed					
20. Please detail how much the developers	Central Beds Transport Officer [name redacted] has stated through Andrew	EIR	A full response to this question was made in our letter dated	N/A	N/A	N/A	

<p>are going to contribute to the Luton Northern Bypass?</p>	<p>Selous MP, that the developers will solely fund the Luton Northern Bypass. It appears you are withholding information from us and we ask you to please speak with [name redacted] and Keith Dove and answer the question honestly?</p>		<p>28.02.11 – there is nothing further to add.</p>				
<p>21. Please supply details of any correspondence between Phillip Hammond MP and either Luton Borough Council or Central Bedfordshire Council?</p>	<p>Not relevant – complainant happy with initial response.</p>	<p>Mixed</p>					
<p>22. Please supply a copy of the Tax Incremental Finance</p>	<p>Please answer the question again as we believe you are withholding information from us. Colin Chick again refers to Tax</p>	<p>EIR</p>	<p>We do not hold this information.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	

<p>calculations undertaken on the Luton Northern Bypass?</p>	<p>Incremental financing on the Luton Borough Council website and both him and Councillor Roy Davis were promoting this at a Luton Gateway open meeting. Luton Borough Council were also promoting T.I.F. recently in Cannes as future opportunities. Please confirm what T.I.F. projects Luton Borough Council are promoting and how T.I.F. is going to finance any infrastructure in and around Luton?</p>						
<p>23. Please supply a copy of any information you have regarding the tunnel section of the Luton Northern Bypass through</p>	<p>At the public exhibition at the John Doney Centre in Bushmead, in 2008 this information was shown to me by your employed staff on the day, who we understand were from Halcrow. You have the information so please</p>	<p>EIR</p>	<p>We do not hold this information.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	

Galleys Hill?	divulge it.						
24. Please supply a copy of the public transport report for the North of Luton proposed development ?	We ask again please supply a copy of the public transport report for the North of Luton? Alternatively please supply copies of emails from your transport officer [name redacted], Director of Regeneration Colin Chick or any other Member or Officer from Luton Borough Council that comment on the North of Luton public transport proposals, that are part of the Core Strategy?	EIR	We do not hold this information.	N/A	N/A	N/A	