



My Ref: EIR/6708
Enquiries to: Information Requests
E-Mail: informationrequests@barnsley.gov.uk

Dear Requester,

Re: Request for Information – Environmental Information Regulations 2004

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

With regard to the work carried out by Leeds Beckett University on behalf of BMBC regarding Billingley View:

1. Copies of the following documents

a. Terms of reference for the Leeds study, including study areas and required outcomes

A summary has already been provided in response to a previous request, which is below for reference:

Phase 1 – Design Review.

Consultant review of design specifications for the new build housing. Work undertaken remotely with feedback meeting.

Phase 2 – Construction Evaluation.

Consultants carried out regular site visits to check compliance with the specification and to collect data. Included checks that testing and monitoring equipment was installed correctly.

Phase 3 – Post Construction Testing and Monitoring

Testing on site – Set up and monthly checks

Remote collection and analysis of data

Post occupancy evaluations of energy efficiency

The full ToR document is exempt from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004.

b. Design review

There is no specific 'design review' document. The design review was a process not a document.

c. Phase 1 report and recommendations

This information is exempt from disclosure under Regulation 12(4)(d) of the Environmental Information Regulations 2004 as it consists of unfinished documents/incomplete data. The information held is a working document formulated throughout the design review process. No finalised report/recommendations are held.

d. Setup research plan and Phase 3 preparation

No such document is held, this was a process, not a document.

e. Phase 2 report and recommendations

There is no specific documentation held. Phase 2 consisted of members of the LBU team carrying out site visits and attending project meetings to give updates. A specific 'report' or list of recommendations does not exist.

f. POE questionnaire after 3 months (summer)

This was amended to a Post Occupancy Evaluation for 2 properties carried out 12 months after occupation, covering tenants experience of summer and winter conditions. The consent form signed by participants states that only people directly involved with the research would have access to the data collected.

In considering the above the council considers that the information is exempt from disclosure under Regulation 12(5)(f) of the Environmental Information Regulations 2004.

g. POE questionnaire after 9 months (winter)

As per response to point 1f.

h. Phase 3 report and recommendations

The report was prepared for the council to inform future decisions on the specification for new build housing projects. It contains details of Leeds Beckett University's research methods which is commercially sensitive information that if released would prejudice their commercial interests.

In considering the above the Council considers that the information is exempt from disclosure under Regulation 12(5)(e) of the Environmental Information Regulations 2004.

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2. How do results compare to the claimed benefits to buyers and the environment.

The Council did not make any claims regarding buyers and the environment in relation to the Billingley View project, as such this information is not held.

Rationale of exceptions applied

Regulation 12(4)(d):

This exception applies to unfinished documents or incomplete data. The information held is a working document used to facilitate the design review and was never formally completed, nor is it intended to be completed.

Regulation 12(5)(e):

This exception applies to information to the extent that disclosure would adversely affect the confidentiality of commercial or industrial information. The information held details the methodology Leeds Beckett University (LBU) followed to complete the work for the council and disclosure of this information would provide information to competitors about how LBU conducts their research, the tools used and how they achieve value for money. This would prejudice their commercial interests as it would enable the competitors to gain insight on how LBU operate and give them an unfair competitive advantage in future tender bids.

Regulation 12(5)(g):

This exception applies to information provided to the authority by a third party where disclosure would adversely affect the interests of that person, they were not under any legal obligation to supply the information to the council and have not consented to its disclosure. In this case the information held consists of survey responses from specific residents and the privacy statement provided to the residents specified that the information would not be processed other than for the purposes of conducting the research.

Public Interest Arguments

The Council has considered the public interest arguments in favour of disclosure and against and would summarise these as follows:

Public interest in maintaining Regulation 12(4)(d)

Disclosure of the working material would risk presenting provisional observations as settled findings, when the document was used to support an iterative design-review

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process and was never finalised. This could create a misleading impression of the conclusions reached, require the Council and LBU to explain or correct material that does not represent a final position, and undermine the space needed for candid technical analysis and refinement during comparable review processes. Maintaining the exception therefore protects the integrity and effectiveness of the decision-making process.

Public interest in maintaining Regulation 12(5)(e)

There is a public interest in public authorities being able to obtain specialist research on commercially sustainable terms and in protecting genuine confidential know-how. Disclosure of LBU's detailed research methods, tools and approach could allow competitors to replicate or exploit that information without incurring the same development costs and could give them an unfair advantage in future procurement exercises. That foreseeable harm could weaken LBU's competitive position and discourage universities and other specialist suppliers from sharing detailed methodologies with the Council, reducing competition, choice and value for money in future commissioned research.

Public interest in maintaining Regulation 12(5)(f)

The residents supplied their experiences voluntarily for a defined research purpose and were told that access to the information would be restricted to those directly involved in the research. Disclosure contrary to that assurance would adversely affect their interests by removing the confidentiality on which their participation was based. It would also damage trust in the Council and its research partners and could deter residents from participating openly in future post-occupancy evaluations. Reduced participation or less candid responses would impair the quality of evidence available to assess housing performance and inform future environmental and housing decisions.

If you have any queries about this letter, please contact Information Requests Via email.

Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

Barnsley MBC
Information Requests Team
PO Box 634
Barnsley
S70 9GG
email: informationrequests@barnsley.gov.uk

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PO Box 634, Barnsley, South Yorkshire S70 9GG

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: -

Customer Services Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

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