

James Wright

From: Somerset Council <requests@somerset.gov.uk>
Sent: 23 January 2026 09:19
To: james@james-wright.org.uk
Subject: Information request - internal review (ref: 20183785)
Attachments: Determination Report - B3191 Cleeve Hill, Watchet -signed 101025.pdf



Information Governance

Information request
Our reference: 20183785

Dear Mr Wright

Information requested by: Mr James Wright

Review carried out by: James Ellis, Information Governance and Records Manager

1. Summary of Process

1. Request received: 25 October 2025
2. Response sent: 14 November 2025
3. Review requested: 17 November 2025

2. Review of Response

In your correspondence received 17 November 2025, you raised the following issues:

I understand legal advice may be exempt, but I believe there is strong public interest in releasing documents like meeting notes, impact assessments, and correspondence that show how the decision was made. Over 1,000 residents have objected, and many feel this decision has been taken without proper transparency.

I am happy to exclude the confidential legal advice, with a view if there is not a judicial review, that this is released at a later date. I'd be grateful if this could be reconsidered.

3. Statutory Considerations

1. 1. Did the Council answer your request within the required timescale of 20 working days? **Yes**
2. 2. Did the Council confirm or deny it held the information? **Yes**
3. 3. Did the Council provide the information requested? **No**
4. 4. If the Council did not provide the information was the refusal clear? **Yes**
5. 5. If the Council applied an exemption was it correct and was it explained? **Yes, but on review the exemption was found to be incorrect and has been overturned and a new response issued**
6. 6. Did the Council offer appropriate advice? **Yes**
7. 7. Did the Council advise you of the internal review process and your right of appeal to the ICO? **Yes**

Specific Issues you raised

You felt that the information requested was wider than legal advice, which you were happy was excluded, but you felt that there was likely to be information in scope of your request which should be disclosed.

4. Decision

Firstly, please accept my apology for the delay in the handling of this Internal Review. The Council has been dealing with a high number of request and Internal Reviews, which has impacted on response times.

I have reviewed the original response and agree with your complaint that some information should have been provided to you. As a result, I have overturned the original response which exempted the information under Regulation 12(5)(b) of the Environmental Information Regulations (EIRs) as this was applied too broadly and was not accurate in respect of the entirety of your request. I have also worked with the Highways service to ensure that I can provide an accurate and complete response to your request, which is as follows (response in bold):

Q1. Copies of internal meeting notes, briefings, or minutes (formal or informal) where the permanent closure of the B3191 was discussed or recommended, dated from January 2025 to the present (i.e. end of October 2025).

A1. Information not held. No minuted internal meetings, either formal or informal, were held in relation to this matter and no records of this type are held.

Q2. Any reports, assessments, or correspondence (including emails) produced by or submitted to officers or members that directly informed the decision to propose a permanent closure since May 2025.

A2. Information held. Please find attached to this response a Determination Report in relation to the B3191/Cleave Hill TRO. Emails held are being exempted from disclosure on the basis of Regulation 12(4)(b) 'Manifestly Unreasonable' due to the cost/time required to identify and extract the requested information. Please see below for full explanation.

Q3. Any documented analysis or legal advice since August 2025 regarding the council's obligations under temporary vs permanent TROs, particularly as it relates to

the need for a replacement route.

A3. Information Not Held. This matter was handled by the service without the need for legal advice on a permanent TRO.

Regulation 12(4)(b) 'Manifestly Unreasonable' requests

The elements of your request relating to correspondence (i.e emails) produced by or submitted to officers or members that directly informed the decision to propose a permanent closure since May 2025 is being exempted from disclosure on the basis that dealing with the request would create unreasonable costs or an unreasonable diversion of resources. Legitimate concerns were raised by the Service that the matter at Cleave Hill had involved a great many officers (and members), and therefore the only way to effectively locate the information in scope of your request was to carry out an eDiscovery on all mailboxes in the Council using defined search terms. To this end, a search has been carried out by the Information Governance Team from the period 1st May 2025 to 31st October 2025 (i.e. the point at which you made your request) on the search term 'B3191'. This search has identified 4,372 mailbox items, made up of emails and Teams messages, spread across over 100 mailboxes (officers, service mailboxes and Councillors) that contain a result for 'B3191'. Taking just the top 40 mailboxes, which contain the most information, this equates to 2,775 items.

In order to identify and extract information in scope of your request, the Council would need to check each item individually to see if it was in scope of your request. If this took an average of 1 minute per item on just the top 40 mailboxes, this would take 46.25 hours to complete. This is in excess of the 18 hour/£450 appropriate limit under FOI, which is used as a guide for applying Regulation 12(4)(b) in relation to environmental information, and therefore the Council is refusing this element of your request on the grounds that it would disproportionately impact the Council in terms of cost and officer time to provide the information.

Public Interest Test

Regulation 12(4)(b) is a qualified exemption and is subject to a public interest test.

Factors in favour of disclosure

Public accountability and transparency in matters related to environmental information.
Significant local interest in the matters covered by this request.

Factors against disclosure

Council resources are finite, and taking officers away from core duties for approximately 46 hours would have a detrimental impact on service delivery and meeting the Councils priorities, which would not be in the public interest.
In this specific case, the information contained in the Determination Report provides a clear rationale on the reasons for and benefits of the decision taken, which makes the provision of emails and teams messages less integral to understanding the decision and, as a result, it would not be in the public interest to divert resources to do so.

Public interest test decision

It is considered that the greater public interest lies in not providing the information. In coming to that conclusion, the public interest in providing the information has been carefully weighed against any prejudice to the public interest that might arise from withholding the information and, in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. This response therefore acts as a refusal notice under Regulation 12(4)b of the Environmental Information Regulation.

The final decision of this review is that your complaint is upheld and some of the information held will be supplied to you, but some is exempt from disclosure.

If you are unhappy with the internal review you may contact the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
Website: www.ico.gov.uk
<https://ico.org.uk/make-a-complaint/>

Thank you for your patience while waiting for a response to your Internal Review request.

Yours sincerely

James Ellis
Information Governance and Records Manager

NOTE: Please do not edit the subject line when replying to this email.