First-tier Tribunal
General Regulatory Chamber
Information Rights

Appeal Reference: EA/2020/0052 P

Decided without a hearing
On 30 November 2020

Before

JUDGE HAZEL OLIVER
MARION SAUNDERS
ROGER CREEDON

Between

VALERIE RICHARDSON

Appellant

and

INFORMATION COMMISSIONER

Respondent

DECISION

The appeal is upheld.

SUBSTITUTE DECISION NOTICE

Eastleigh Borough Council did not act correctly by relying on section 12(4)(b) of the Environmental Information Regulations 2004 in order to refuse to reply to the request for information from Valerie Richardson dated 14 May 2019 on the grounds it was manifestly unreasonable.

The Council is to provide a fresh response to this request which does not rely on section 12(4)(b) by 20 January 2021. In its response the Council should identify and explain any other exceptions relied on.

REASONS

Background to Appeal

1. This appeal is against a decision of the Information Commissioner (the "Commissioner") dated 7 January 2020 (FER0853118, the "Decision Notice). It concerns information sought from Eastleigh Borough Council (the "Council") about a housing development in Eastleigh (the "Development"), under the Environmental Information Regulations 2004 ("EIR").

2. The parties opted for paper determination of the appeal. The Tribunal is satisfied that it can properly determine the issues without a hearing within rule 32(1)(b) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (as amended).

3. The brief background to the appeal is as follows. The appellant is a resident in the same road as the Development. Along with other residents, she has raised various issues and complaints about the planning permissions for the development and the way in which the development has been carried out. The appellant is concerned about the developer's and building contractors' responsibility and liability for issues which concern the appellant and her neighbours, including the discharge of water from the Development site.

4. On 1 October 2018 the appellant made a request to the Council for information about three planning applications relating to the Development, repeated on 10 October. The Council provided information on 17 December 2018 (after the appellant had complained to the Commissioner about the failure to respond). After an internal review, two further files of documents were provided to the appellant on 10 January 2019.

5. On 14 May 2019 the appellant sent the Council a further request for information, titled, "Freedom of Information / EIR request" (the "Request"). This related to planning application X/19/84992, which is one of the applications asked about in her previous request. This stated, "*I have considered the documents published in the Online Planning File X/19/84992 and noticed that there are several documents missing from the file which should have been published and consulted upon before the consultation period ended on the 19.03.2019. I would be grateful if you could provide copies of the following documents with an explanation to assist in my understanding of how decisions were made in this Planning Application*." The Request goes on to ask a number of specific questions. The full Request is set out in the Annex to this decision.

6. The appellant wrote to the Council on 29 and 31 May 2019 to complain about the service she had received in relation to her requests for information. On 10 June 2019 the Council wrote to the appellant stating that they were invoking section 12(4)(b) EIR in order to refuse to respond to her ongoing requests, as they were manifestly unreasonable. This letter stated, "*the Council have considered that as your requests relate to the same site and matter they will be considered as one…The Council have made attempts to respond to your request however each response raises additional requests and you are never fully satisfied*." The letter went on to explain how Regulation 12(4)(b) had been applied. This was upheld on internal review on 21 June 2019.

7. The appellant complained to the Commissioner on 21 June 2019. The Commissioner found that the Request was manifestly unreasonable under Regulation 12(4)(b) and so the Council were entitled to refuse the Request. The Commissioner found that the information

requested was environmental information within the meaning of the EIR. The Commissioner decided that complying with the request would impose a significant detrimental burden on the Council resources in terms of officer time and cost, and this outweighed the public interest in disclosing the information.

The Appeal and Responses

8. The appellant appealed on 4 February 2020. Her grounds of appeal can be summarised as follows:

a. The request should have been considered under FOIA and The Openness of Local Government Bodies Regulations 2014 ("OLGB Regulations"), as well as EIR. The Commissioner should not have applied the EIR exception to the information requested under FOIA.
b. Her requests and complaints should not have been considered as one, and costs should not be aggregated across different access regimes.
c. There are disparities in the schedules of costs and time provided by the Council. The schedule of costs includes time up to August 2019, and the chronology of correspondence runs to 21 June 2019, when the Request was made on 14 May 2019. The schedules also include costs not permitted to be charged under the access regimes.
d. The public interest should be in disclosure, as the information is required by planning legislation to be publicly available and so should have been made available under the OLGB Regulations.

9. The Commissioner opposes the appeal, and her reasons can be summarised as follows:

a. The EIR was correctly applied to a request about planning permission, it is permissible to consider a number of EIR requests together when deciding if they are manifestly unreasonable on grounds of cost, and any previous requests which relate to FOIA are similar enough to be considered together as they relate to the same information. The OLGB Regulations are outside the scope of the appeal.
b. It was appropriate to treat all correspondence from the appellant to the Council as one information request, as there is a history in relation to a single planning permission.
c. The Council had produced an estimation for the time and cost incurred in complying with the Request, and the past history played a big part in the decision.
d. The public interest factors advanced by the appellant are insufficient to outweigh maintaining the exception.
e. If the Tribunal decides that the Commissioner's decision was wrong, the Tribunal is invited to require the Council to provide a fresh response to the request (to the extent such a step remains necessary).

10. The appellant has submitted a reply. This raises issues about a subject access request and processing of personal data which the Tribunal is not able to deal with. She also complains about allegations in the Council's response to the Commissioner dated 8 November 2019, and the inclusion of a paragraph in the draft Decision Notice which stated her correspondence was vexatious (not included in the final decision). She says the Council has acted in a non-transparent way. She says that the Commissioner wrongly disregarded the OLGB Regulations, issues raised about judicial review and the fact the Development is nearly complete are

irrelevant, and the Commissioner has wrongly aggregated time and costs of a historic request to uphold the refusal of a second request.

Issues and evidence

11. The issue in the appeal is whether the Council was entitled to refuse to respond to the Request on the grounds it was manifestly unreasonable under EIR.

12. We had an agreed bundle of open documents. This included three statements from the appellant's neighbours, which confirm that she has acted as the main contact for residents in their joint complaint about the Development, and provide information about flooding which they say is caused by the Development.

13. We also had final submissions from the appellant, titled "further evidence", which attached some 25 additional documents dating from August 2019 to September 2020. It is unclear how these are relevant to the issue we have to decide. The appellant also made an application on 20 November 2020 to admit a further 17 additional documents. This application refers to information the appellant says the Council should have disclosed as part of the planning process and allegations that the planning officer had exceeded his power. It also refers to a new EIR request. Again, it is unclear how these are relevant to the issues in the case.

14. The appellant made an application to rely on additional evidence. This was refused by the Registrar, and this decision was upheld on reconsideration by a Judge. We also refuse the application to admit this substantial new evidence at this stage in the proceedings. The issue in the case is whether the appellant's request was manifestly unreasonable at the time it was made. The Tribunal is not able to consider what information the Council ought to have disclosed, or intervene in a dispute between the appellant and the Council about planning permissions.

Applicable law

15. The relevant provisions of EIR are as follows.

> *2(1)* *… "environmental information" has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on—*
>
> *(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;*
> *(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);*
> *(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;*
>
> *……*

5(1) …a public authority that holds environmental information shall make it available on request."

……

12(1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –

(a) An exception to disclosure applies under paragraphs (4) or (5); and

(b) In all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

12(2) A public authority shall apply a presumption in favour of disclosure.

…..

12(4) For the purposes of paragraph 1(a), a public authority may refuse to disclose information to the extent that –

……

(b) the request for information is manifestly unreasonable;

15. There is no further guidance on the meaning of "manifestly unreasonable" in the legislation. The leading guidance on the meaning of the parallel term "vexatious" in FOIA is contained in the Upper Tribunal ("UT") decision in ***Information Commissioner v Dransfield*** [2012] UKUT 440 (AAC), as upheld and clarified in the Court of Appeal ("CA") in ***Dransfield v Information Commissioner and another & Craven v Information Commissioner and another*** [2015] EWCA Civ 454 (CA). Arden LJ confirmed in the CA decision in ***Dransfield*** that to all intents and purposes "manifestly unreasonable" in the EIR means the same as "vexatious" in FOIA.

16. Judge Wikeley's decision in the UT ***Dransfield*** sets out more detailed guidance that was not challenged in the CA. The ultimate question is, "*is the request vexatious in the sense of being a manifestly unjustified, inappropriate or improper use of FOIA?*" (para 43). It is important to adopt a "*holistic and broad*" approach, emphasising "*manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests*." (para 45). Arden LJ in the CA also emphasised that a "*rounded approach*" is required (para 69), and all evidence which may shed light on whether a request is vexatious should be considered.

17. The UT set out four non-exhaustive broad issues which can be helpful in assessing whether a request is vexatious:

a. **The burden imposed on the public authority by the request.** This may be inextricably linked with the previous course of dealings between the parties. *"…the context and history of the previous request, in terms of the previous course of dealings between the individual requester and the public authority in question, must be considered in assessing whether it is properly to be characterised as vexatious. In particular, the number, breadth, pattern and duration of previous requests may be a telling factor*." (para 29).

b. **The motive of the requester.** Although FOIA is motive-blind, "*what may seem like an entirely reasonable and benign request may be found to be vexatious in the wider context of the course of dealings between the individual and the relevant public authority*." (para 34).

c. **The value or serious purpose.** Lack of objective value cannot provide a basis for refusal on its own, but is part of the balancing exercise – "*does the request have a value or serious purpose in terms of the objective public interest in the information sought?*" (para 38).

d. **Any harassment of, or distress caused to, the public authority's staff.** This is not necessary in order for a request to be vexatious, but "*vexatiousness may be evidenced by obsessive conduct that harasses or distresses staff, uses intemperate language, makes wide-ranging and unsubstantiated allegations of criminal behaviour or is in any other respects extremely offensive*." (para 39).

18. Overall, the purpose of the exception is to "*protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA*." (UT para 10), subject always to the high standard of vexatiousness being met. This applies equally to the question of manifest unreasonableness under the EIR.

19. In ***Vesco v ICO and GLD*** [2019] UKUT 247 (AAC), the UT set out a three-stage approach for public authorities to consider when deciding if it can refuse a request because it is manifestly unreasonable:

a. First, is the request manifestly unreasonable? This involves considering the authorities on vexatiousness under section 14 FOIA. The *Dransfield* checklist is not exhaustive, and other factors can be: previous requests (including number, subject matter, breadth and pattern); whether they were the same or different public authority, the time lapse since previous requests, and whether matters may have changed during that time.
b. If the request is manifestly unreasonable, does the public interest in maintaining the exception outweigh the public interest in disclosing the information, in all the circumstances of the case?
c. If these stages did not result in disclosure, a public authority should go on to consider the presumption in favour of disclosure – this provides the default position if interests are equally balanced, and informs any decision taken under the EIR.

Discussion and Conclusions

20. We start with the issue of **whether aggregating the requests is the right approach.** The appellant has complained that the Council and the Commissioner aggregated her various requests for information, which included some requests under FOIA as well as EIR. We do not agree that this approach was incorrect. In particular, the cases referred to above specify that a rounded approach is required. The assessment of the burden of the request on a public authority involves looking at the context, history and previous course of dealings between the authority and the requester. This may include previous requests under EIR or FOIA, and also other dealings which are not part of a formal request.

21. **Is the request manifestly unreasonable?** We have considered this issue under the headings set out by the UT in Dransfield, and also the overall circumstances of the case.

22. **The burden imposed on the public authority by the request.** This is the basis on which the Commissioner determined that the request was manifestly unreasonable. The Commissioner focussed on officer time and cost in dealing with the appellant, and relied on

schedules of time and cost provided by the Council. The appellant says that these schedules contain disparities. We have reviewed these schedules.

23. In relation to the schedule of time:

a. The appellant's first request was made on 1 October 2018, and resubmitted on 10 October. The schedule of time shows her raising issues about what had been disclosed on 17 December. This was treated as an internal review, and on 11 January 2019 two lever arch files of further documentation were sent to the appellant. We do not see that this correspondence from the appellant can be regarded as an excessive burden on the Council, as the issues she raised resulted in a substantial set of additional information being provided to her.
b. The schedule of time then shows some 14 further emails from the appellant to the Council. Some of these ask questions or request further information, some repeat the same request, and some chase for a response. The Council provided a response to some of these emails, and passed others on to the relevant department.
c. The date of the Request was 14 May 2019. The schedule of time contains some eight entries after this date. These should not be taken into account in assessing the burden on the Council at the time the Request was made, as they took place later.

24. In relation to the schedule of costs:

a. This is headed "*schedule of time/costs spent in answering EIR request, November 2018-August 2019*". Again, the date of the Request was 14 May 2019, so costs incurred after this date should not be taken into account in assessing the burden on the Council at the time the Request was made.
b. The schedule provides total costs by name of officer, so it is not possible to identify which relate to the period up to 14 May 2019.
c. Some entries do not appear relevant or appropriate. There is an entry for site visits – it is unclear how this is relevant to dealing with requests for information. There is an entry for 12 hours of a solicitor "dealing with ICO matter". This must have occurred after the date of the Request, as the Commissioner only became involved in June 2019. There is an entry of six hours for dealing with internal review. If this was the internal review that resulted in two further lever arch files being provided to the appellant, then clearly these costs were not an unreasonable burden as the Council had failed to deal correctly with the original request.

25. We have considered the response from the Council to the Commissioner of 8 November 2019, which attached these schedules and sets out in detail why they regarded the request as manifestly unreasonable. They refer to a large amount of correspondence, and the fact that much of this relates to complaints or challenges which do not form part of her information request. They point in particular to detailed responses prompting an almost immediate challenge to the information provided, and the Commissioner's guidance on frequent and overlapping requests. The Council says it is relatively small, with a planning team of only 10 full-time equivalent staff, and they have balanced the need of the complainant and residents against the need to deal with numerous planning matters.

26. We appreciate that the Council has limited resources, and the fact that the various requests and questions from the appellant form part of a wider dispute about the Development which

has generated considerable correspondence. However, as explained above, we find that both the schedule of time and the schedule of costs contain matters that should not be taken into account in assessing the burden on the Council at the time of the Request. We are essentially considering 14 items of correspondence from the appellant between January and May 2019, only some of which raise new questions or requests for information.

27. **The motive of the requester.** There is no suggestion that the appellant has an inappropriate motive in making the Request. She is seeking information on behalf of herself and other residents about the Development.

28. **The value or serious purpose of the request.** There is value in detailed information about a development and related planning issues being publicly available. The Council makes the point that the entire planning file is now on its website, and the appellant has abused its willingness to engage with her by continuing to inundate it with requests, queries, challenges and complaints.

29. **Any harassment of, or distress caused to, the public authority's staff.** In its response to the Commissioner, the Council says that the appellant's correspondence regularly adopted a belligerent tone, including critical and derogatory remarks about individual Council officers. They also say that she suggested the Council was acting unlawfully, officers were not doing their job properly, or there was a reluctance to assist her. No specific evidence of this behaviour was provided to the Commissioner, and it does not appear to have been relied on in the Commissioner's decision. Applying the UT guidance in ***Dransfield***, we have not seen evidence of communications from the appellant that harass or distress staff, use intemperate language, make wide-ranging and unsubstantiated allegations of criminal behaviour, or are otherwise extremely offensive.

30. **Other factors - the overall circumstances of the case**. As noted above, we are considering this EIR request against a background of other requests and correspondence from the appellant on the same underlying issue.

31. We have considered carefully whether the threshold of manifest unreasonableness has been reaching in this case, and find that it has not. We have taken into account the fact that the underlying purpose of the exception is to "*protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use*" of EIR. We appreciate that a relatively small local authority may reach a point where it is disproportionate to use its resources in responding to repeating requests and questions about the same issue. However, this is subject to the high threshold of manifest unreasonableness - is the request a manifestly unjustified, inappropriate or improper use of EIR? The Commissioner relied in her decision on schedules of time and costs from the Council which contained items that should not have been taken into account. We find that 14 items of correspondence in five months, some of which did not involve new requests or questions, is not sufficiently disproportionate to make the Request at that time manifestly unreasonable. We also find that the other factors discussed above do not make the Request manifestly unreasonable at the time it was made.

32. We therefore find that the Council was not correct to rely on section 12(4)(b) EIR in order to refuse to respond to the Request. The Council is to provide a fresh response to the request which does not rely on this exception.

33. We note that the EIR only entitles an individual to information held by a public authority. It does not require a public authority to provide answers to questions, or to provide information that it does not hold. The Request asks for copies of documents, which are potentially subject to EIR and/or FOIA if held by the Council and not covered by another exception. However, the Council may decide that some of the questions contained in the Request are not covered by EIR/FOIA. This decision does not indicate that every item in the Request must necessarily be answered by the Council.

34. We also note that this decision does not prevent the Council from relying on section 12(4)(b) in relation to other requests from the appellant. This will depend on the circumstances at the time of the request.

Signed: Hazel Oliver
Judge of the First-tier Tribunal

Date: 11 December 2020

Annex – appellant's request of 14 May 2019

Dear Tom Etherton

FREEDOM OF INFORMATION/EIR REQUEST – Planning Application X/19/84992

I have considered the documents published in the Online Planning File X/19/84992 and noticed that there are several documents missing from the file which should have been published and consulted upon before the consultation period ended on the 19.03.2019. I would be grateful if you could provide copies of the following documents with an explanation to assist in my understanding of how decisions were made in this Planning Application.

JPS LANDSCAPE DESIGN's Drawing Number LANDP001 Revision 9 Dated 01.05.2019. Published in the online planning file on the 03.05.2019

Drawing Title: Hit and Miss Fence Proposal Elevations. The following details were added to this drawing:

Lockable gate for management company access only

1.5m high post and wire fence on boundary with woodland

There were no drawings or applications for the above two variations to the western boundary with the woodland during the consultation period or at any time before this plan was published on the 03.05.2019. Please provide all information supporting these amendments, which were never applied for in the Planning Application Form dated 18.02.2019.

AVON PROJECT SERVICES - Building Design & Technology
Drawing Number P621/9108 Revision D – Site Plan Dated 07.05.2019 – Published in the online planning file on the 08.05.2019 – THIS DRAWING WAS NEVER APPROVED IN THE DECISION NOTICE DATED 13.05.2019

This drawing is a new document which has not been consulted upon or approved. The following details are noted on the drawing:
"Rev. C - PA – Dated 21.2.2019 - NEW 1.8m CLOSE BOARDED FENCE ADDED TO REAR (SOUTHEAST)OF PLOTS 1-3

Rev. D – PA – Dated 03.05.2019 MANAGEMENT CO. LOCKABLE ACCESS GATES TO PROTECTED WOODLAND ADDED

Rev. D – PA – 07.05.2019 - REAR BOUNDARY TREATMENT CHANGED TO ACCORD TO JPS LANDSCAPE DESIGN

[TBC] retaining structures (with close boarded fencing over) to civil engineers details."

An entrance gate into development, making it a gated development, is also added to this drawing.

As this drawing was only uploaded to the above planning file last week and is not approved I still require copies of all documents and communications between Council Officers and the Developers and their Agents/Contractors relating to the above four itemised details on the drawing, including a copy of the Civil Engineer's details for the

retaining structure which the drawing states is to be confirmed. I attach an enlarged copy of the drawing showing these notations on the plan for ease of reference.

The OFFICERS REPORT published in the planning file on the 08.05.2019 states:

REASON FOR VARIATION

"In order to construct the wall, a line of piles would need to be driven into the ground with concrete lintels strung between them in order to provide a suitable foundation to construct the wall. This would have required the use of a small piling rig and lifting equipment, including the construction of a temporary haul road in order to provide access for the equipment. Ironically this would likely cause significant damage to the woodland trees, and in turn the SINC, which the boundary wall was intended to protect, through compaction and severance of their roots. As well as requiring the removal of undergrowth. Any possible subsidence would also weaken the wall, potentially leading to collapse and/or the need for repairs which would again necessitate access into the woodland for equipment which could again result in further harm to the woodland."

OTHER MATERIAL CONSIDERATIONS

"*It is also now intended to include a pedestrian gate from the communal area of the development into the woodland. This gate will be kept locked at all times and will only to be used by the management company to allow the woodland side of the fence and planting to be monitored and maintained. These measures are considered to be sufficient to ensure reasonable maintenance of the fence and planting"*

No evidence to support the above statements by Gary Osmond has ever been published in the above online planning file. Please provide copies of all communications between the Council's Officers and the Developers, their Agents and Contractors and all drawings and technical documents provided to EBC and its Officers which to supports the above contentions.

The most important information I need to enable me to understand how Gary Osmond reached his decision is the evidence he obtained to authoritatively enable him to state that a small piling rig and lifting equipment and the construction of a temporary haul road to provide access for the equipment was needed to enable the wall to be built.

Please also provide an explanation as to why a 1.8metre high wall would require all of these measures to be provided on the site when they are not required to enable the houses and roads to be constructed in the development site. Information provided to Gary Osmond about the possibility of the wall subsiding must be provided to me because this implies that the houses and roads built in the site will also be subject to the same vulnerability of structural subsidence. Without this clarification Gary Osmond's comments are incomprehensible given that these houses, their patios and access roads are constructed at a much greater height and are hundreds of tons heavier than
the woodland boundary wall approved on Appeal.
THE SITE AND ITS SURROUNDINGS – DESCRIPTION OF APPLICATION

"*The application seeks consent for a revised version of the western boundary treatment approved at appeal. The principle change is intended method and type of construction, from the originally approved timber clad brick wall, to a robust hit and miss timber fence."*

REPRESENTATIONS RECEIVED
It is alleged that the Council received the following representations, which they did not:

"The proposed construction of the fences would not be sufficiently robust"

ASSESSMENT OF PROPOSAL - Reasons for Variation

".../However, at the subsequent planning appeal, the Inspector agreed that a robust boundary treatment in the form of a timber clad wall with planting would be sufficient to overcome this concern. As such, conditions were applied to the appeal consent for the boundary wall to be built in accordance with a drawing/specification agreed at the appeal hearing. These conditions were then carried over to the recently approved version of the scheme (X/18/83354).../"

…/The applicant has requested an amendment in order to be able to substitute an alternative design for this south-western boundary treatment, changing it from a timber clad wall to a robust timber hit and miss fence.../"

Amenity - *"Looking at the amenity of the area and future residents of the development, as discussed above, the substitution of the wall with a robust timber fence will have little impact upon the visual amenity of the area or residential amenity of future and neighbouring occupiers."*

Condition 5 states "*Prior to first occupation of any of the dwellings hereby approved, a long-term monitoring and management plan for the approved boundary treatment comprising the western boundary as shown on JPS Landscape design reference '692 LANDP001 Rev 09' and '692: E005 Rev 05' shall be submitted to and agreed in writing by the local planning authority and the boundary treatment shall be planted and otherwise implemented in accordance with the approved monitoring and management plan.*"

692-E005-Rev.5 is a plan of the Hit and Miss and Wire Fence. It is **NOT** a management plan. 692 LANDP001 Rev 09 - JPS Landscape Design – is a landscape plan. It is **NOT** a management plan. A Management Plan has not been included in the Decision Notice to permit the Application.

Please provide full details and copy documents which informed Gary Osmond that the Application was for a robust hit and miss panel fence because there is no explanation in any documents submitted with this planning application, irrespective as to whether or not they are approved, which provides evidence other than the document which states the integrity of the proposed fence needed to be inspected every three months in-perpetuity. I would like not only a copy of the long-term management plan required by Condition 5, which has not been approved in this permitted Section 73 Application, but also a clear and unequivocal explanation of the term applied to the timber fence to support the statement of fact that the approved hit and miss fence will be a "robust" structure.
Please ensure you provide me with the above requested information within the time limits set out in the FOI Act and EI Regulations.

Many thanks

Mrs Valerie Richardson