

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 September 2021

**Public Authority:** Telford and Wrekin Council

**Address:** Addenbrooke House  
Ironmasters Way  
Telford  
TF3 4NT

### Decision (including any steps ordered)

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1. The complainant requested information from Telford and Wrekin Council ("the Council") relating to the resurfacing of a specific car park.
2. The Commissioner's decision is that Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. As a response has subsequently been provided no steps are required.

### Request and response

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4. On 8 February 2021, the complainant wrote to the Council and requested information in the following terms:

*"I write to request information on Telford council's (or Telford council's contractor's) recent activities on extending and resurfacing the car parking area, plus the removal of vegetation and several trees, located at the Ercall. Specifically, this area lies at the foot of the woodland leading off Ercall Lane immediately adjacent to the M54.*

*Specifically:*

1. *Could the council confirm that it owns this land?*
2. *Could the council confirm that this car parking area is within the boundaries of The Wrekin & The Ercall SSSI?*
3. *Could the council confirm whether they consulted for advance consent to carry out these activities within the Wrekin & The Ercall SSSI via Natural England?*
4. *Could the council confirm at what date they applied for Natural England's consent to carry out these works?*
5. *Could the council supply their application/consultation/consent document sent to Natural England?*
6. *Could the council confirm at what date Natural England responded, and if applicable gave consent to, these activities?*
7. *Could the council supply the document containing Natural's England's response?*
8. *If the answer is no or not applicable to the above questions, could the council set out its reasons, with supporting documentation and/or reasoning, why its activities at the Ercall car park are exempt from the Natural England SSSI consent process?*
9. *Could the council set out in detail what tree removal works have been carried out at the car parking site and the reasons for these works?*
10. *Could the council confirm if any tree, wildlife or ecology surveys were undertaken prior to the car parking and the tree removal works?*
11. *Could the council supply the supporting documentation and survey results, if this was undertaken?*
12. *Could the council set out the number of additional parking spaces that the Ercall car park extension and resurfacing is intended to provide and supply supporting maps, plans and documentation?*
13. *Could the council provide information on any upcoming plans, whether tentative or scheduled, to extend or create further car parking areas within the Wrekin and Ercall woodland and SSSI?*

- 14. Could the council confirm whether it has any plans to reopen the disused, gated carpark that is on the left approximately halfway between the M54 and Buckatree Hotel along Ercall Lane?*
- 15. Could the council supply supporting plans, documentation and communications regarding the opening (whether tentative/possible or scheduled) of this second carparking location within the Ercall?*
- 16. Could the council confirm whether or not it intends to consult or notify local residents or visitors, via any channels such as social media, community bulletins, signage, formal consultation etc., of any future car parking extensions or creations within the Ercall and Wrekin SSSI woodland area?"*
5. The Council acknowledged the request on 8 February 2021. However, as the complainant had not received a response, she wrote to the Council on 29 March 2021, to ask for an update. The Council responded on the same date with an update on the status of her request.
6. The Council provided a partial response to the information request on 6 April 2021. However, it did not provide a response to question 8 of her request.
7. On 19 April 2021, complainant wrote to the Council to request an internal review. The Council acknowledged the complainant's request for an internal review the same day.
8. The complainant contacted the Commissioner on 19 May 2021 to complain about the Council's failure to respond to question 8 of her request.
9. On 2 June 2021, the complainant wrote to the Council again to ask for an update on its response to question 8. The Council provided an update on the same date.
10. The Commissioner contacted the Council on 17 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to question 8 of the complainant's request within 10 working days.
11. The Commissioner also contacted the complainant on 17 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to question 8 of their request.
12. The Council provided the complainant with a response to question 8 of her request on 7 June 2021.

## Scope of the case

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13. The complainant contacted the Commissioner on 17 September 2021 to request a decision notice considering the Council's compliance with the FOIA.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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15. Section 1 of the FOIA states that:

*Any person making a request for information to a public authority is entitled –*

- (a) *To be informed in writing by the public authority whether it holds information of the description specified in the request, and*
  - (b) *If that is the case, to have that information communicated to him.*
16. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**