

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 9 June 2022

Public Authority: Uttlesford District Council

Address: London Road
Saffron Walden
Essex
CB11 4ER

Decision (including any steps ordered)

1. The complainant requested information from Uttlesford District Council ("UDC") relating to planning data and communications.. By the date of this notice UDC had not issued a substantive response to this request.
2. The Commissioner's decision is that UDC has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires UDC to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. UDC must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 15 February 2022, the complainant made the following request for information to UDC:

"This is a request for all data. We would expect this to include all Communications, including notes, call logs, meeting dates, meeting notes, records, site visit dates and notes, photographs, plans, everything concerning drainage, or any other documentation/data relating to:

1 The second manege and all associated works that went alongside it, to the west of the property at Cranwellian, CM22 6NB

2 The swimming pool extension - UTT/18/1974/HHF

We would expect this to include information from Planning, Enforcement, Environmental Health, Consultee, the applicant, the agent sand any other sources, both internal and external.

Communications on the planning portal need not be included.

Electronic format is acceptable providing access is given to both of us."

6. UDC acknowldged the request on 15 February 2022. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 19 April 2022 to complain about UDC's failure to respond to this request.
8. The Commissioner contacted UDC on 5 May 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention UDC has failed to respond to the complainant.
10. The scope of this notice and the following analysis is to consider whether UDC has complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

12. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

13. From the evidence provided to the Commissioner in this case, it is clear that UDC did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that UDC has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR

Right of appeal

14. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF