

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 12 May 2023

**Public Authority:** East Staffordshire Borough Council  
The Town Hall  
King Edward Place  
Burton upon Trent  
DE14 2EB

#### **Decision**

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1. The complainant asked for details regarding the drainage system for a particular planning application. East Staffordshire Borough Council (the "Council") supplied hard copies of information it held in scope of the request. The Commissioner's decision is that, on a balance of probabilities, the Council disclosed all the relevant information it held in scope of the request.
2. The Commissioner does not require the Council to take any steps as a result of this decision.

#### **Request and response**

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3. The complainant made the following information request to the Council on 25 June 2022:

"Could you please supply full details of the surface water drainage system on planning applications P/2012/00636 and P/2018/00384 including notes connected to the minutes of all meetings, phone calls etc held with third parties concerning this drainage such as Severn Trent Water, Staffordshire County Council, The Environment Agency, affected land owners etc.

It is believed that the surface water from this development is to be discharged into the drainage system that serves Forest School Street,

Garratt Square and Needwood Avenue which then runs along Station Road to the manhole over the culvert at the entrance to Netherfield Grange. During periods of heavy rain this culvert cannot cope with the volume of water already committed to it and results in the manhole cover lifting and flooding the surrounding area for this reason the surface water from the site was not discharged directly into this culvert therefore the calculations to show how this additional discharge of water is now acceptable are of particular importance.”

4. The Council responded by sending the complainant hard copies of information in scope of the request and sign-posted the complainant to the next steps they could take if they were not satisfied with the response.
5. The requester set out their grounds for internal review to the Council, who provided a review after the Commissioner's intervention. The final position of the Council is that it has disclosed all the information it held in scope of the request.

### **Reasons for decision**

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6. The Commissioner understands that the request in this case is asking for specific information held by the Council regarding the drainage provisions on specific planning applications. The Commissioner's role is to determine whether the Council disclosed all the information it held in scope of the request under the EIR.
7. There is no requirement for the Council to create information in order to answer the requester's questions, their obligation is to supply information they held at the time of the request.
8. From the information provided by the Council to the requester and during the Commissioner's investigation, the Commissioner is satisfied that, on the balance of probabilities, the Council supplied all the information it held in scope at the time of the request. He is also satisfied that the Council provided adequate advice and assistance as to how the requestor may be able to gain further information from the third-party public bodies involved in the applications.

## Right of appeal

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9. 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: 0300 1234504

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)

10. 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.
11. 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 .....**

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**