

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 28 May 2024

Public Authority: Planning Appeals Commission
Address: 4th floor
92 Ann Street
Belfast
BT1 3HH

Decision (including any steps ordered)

1. The complainant requested from Planning Appeals Commission (PAC) information relating to the Commission's report following the public inquiry into the A5 Western Transport Corridor.
2. The Commissioner's decision is that PAC failed to respond to the request within 20 working days and has therefore breached regulation 5(2) (time for compliance) of the EIR. The Commissioner does not require further steps as a result of this decision.

Request and response

3. On 7 November 2023 the complainant wrote to PAC and requested information in the following terms:

"...I note that the Commission has now delivered its Report in relation to this public inquiry to the Department for Infrastructure.

...we request that a copy of the Report is sent to us, pursuant to Regulation 5 of the Environmental Information Regulations 2004."

4. On 13 November 2023 PAC responded, it stated the release of the Report in question is solely a matter for the Department for Infrastructure.
5. On 16 November 2023 the complainant replied to PAC and expressed their dissatisfaction with the response, and drew its attention to certain regulations of the EIR.

Scope of the case

6. The complainant contacted the Commissioner on 13 February 2024 to complain about the way their request for information had been handled.
7. Following the Commissioner's intervention, on 6 March 2024 PAC provided its response to the complainant. It refused the request and set out its reasons for refusal.
8. On 18 April 2024 the complainant informed the Commissioner of PAC's response. The complainant also stated that the substance of PAC's reply is under consideration. However, they emphasised to the Commissioner that their complaint at this time is related to the delay, and it had taken PAC four months to reply to their request of 7 November 2023. The complainant asked to have the response formally recorded.

Reasons for decision

Regulation 5(2) – time for compliance

9. Regulation 5(1) of the EIR states that: "a public authority that holds environmental information shall make it available on request."
10. 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."
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the public authority has breached regulation 5(2) by failing to respond to the request within 20 working days.

Right of appeal

12. 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

13. 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.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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