

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)
ENVIRONMENTAL INFORMATION REGULATIONS 2004**

DECISION NOTICE

Dated **2005**

Name of Public Authority: South Holland District Council

Address of Public Authority: Council Offices
 Priory Road
 SPALDING
 Lincolnshire
 PE11 2XE

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint alleging that on 10th January 2005 the complainant requested from South Holland District Council the following information under the Freedom of Information Act 2000 (the "Act"):

Information concerning the proposed erection of 13 industrial wind turbines on Bicker Fen.

It is alleged that the fee to be charged by South Holland District Council for providing copies of the information requested was excessive.

The Commissioner's Decision

Under section 50(1) of the Act (as amended by the Environmental Information Regulations 2004 (the "Regulations")), except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Parts 2 and 3 of the Regulations and to issue a Decision Notice to both the complainant and the public authority.

The information requested by the complainant is environmental information as defined in paragraph 2 of the Regulations.

By virtue of paragraph 8(3) of Part 2 of the Regulations, any charge made by a public authority to make environmental information available "shall not exceed an amount which the public authority is satisfied is a reasonable amount".

The information requested by the complainant consists of 264 A4 pages and 32 A3 pages. The charge made by South Holland District Council for

providing copies of this information is £25. The information is also available for inspection free of charge.

The Commissioner's decision in this case is that South Holland District Council has complied with its obligations under Part 2 of the Regulations in that the amount charged for providing copies of the information requested is in accordance with Regulation 8(3).

Action Required

In view of the matters referred to above no further action is required to be taken by South Holland District Council.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the day of 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF