

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 20 August 2013

Public Authority: Forestry Commission
Address: England National Office
620 Bristol Business Park
Coldharbour Lane
Bristol
BS16 1EJ

Decision (including any steps ordered)

1. The complainant requested from the Forestry Commission the felling licence in operation at Moat Wood, Essex. In response the Forestry Commission disclosed the information it held. The complainant has questioned the authenticity of the information that was disclosed and has suggested that the information sent was incomplete. The Commissioner has investigated the complaint and found that the Forestry Commission has disclosed all of the information it holds falling within the scope of the complainant's requests.
2. The Commissioner's decision is that the Forestry Commission dealt with the complainant's requests in accordance with regulations 5(1) and 5(2) of the EIR. The Commissioner requires no steps to be taken.

Request and response

3. On 19 February 2013 the complainant made a request to the Forestry Commission for a copy of the tree felling licence in operation at Moats Wood in Essex. The request read as follows:

"Is there any way I can view the content of the felling licences presently effective for Moat Wood?"

4. The Forestry Commission appear to have dealt with this request as part of the normal course of business and on the same day it sent the

complainant a copy of relevant pages from the English Woodland Grant Scheme (EGWS) agreement which it has with the owner and which the Forestry Commission explained gives the owner permission to fell the trees.

5. On 20 February the Complainant contacted the Forestry Commission suggesting that the pages from the EGWS contract lacked authenticity.
6. Again on 20 February 2013 the complainant made a request to another area within the Forestry Commission for the same information, this time quoting the Freedom of Information Act.
7. The Forestry Commission responded to the complainant's query questioning the authenticity of the information that had been provided, later that same day. It explained that it had already sent the details of the approved licence for Moat Wood. However, it now sent a copy of the front cover of the licence and what the Forestry Commission has described as a supplementary certificate which confirms that the felling activities described in the EGWS contract are authorised under the Forestry Act.
8. The Forestry Commission contacted the complainant again on 21 February 2013 in response to the request where he had quoted the Freedom of Information Act. It acknowledged the request but explained that it was being considered under the Environmental Information Regulations 2004 (EIR) as the request was considered to be for environmental information.
9. The Forestry Commission provided a further response on 1 March 2013 when it said that it was satisfied that it had already complied with the request as the complainant had already been provided with the relevant sections of the EGWS contract. However, it noted that it had only provided the relevant sections which provide for a felling permission and had not provided a full copy. It said that because of this it may not have been immediately obvious that the extract was a valid felling permission. Therefore, it now provided a complete copy of the EGWS contract.
10. The complainant subsequently asked the Forestry Commission to carry out an internal review and it presented its findings on 8 March 2013. The Forestry Commission concluded that it had handled the request correctly and that it had disclosed all of the information it held in relation to the request.

Scope of the case

11. The complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular he questioned the authenticity of the information provided and therefore complained that the Commission had not provided him with all the information it held.

Reasons for decision

12. Regulation 5(1) of the EIR provides that a public authority that holds environmental information shall make it available on request. Regulation 5(2) of the EIR provides that information shall be made available as soon as possible and not later than 20 working days after receipt of the request.
13. The Forestry Commission has explained that tree felling is controlled by the Forestry Commissioners through the powers granted to them in Part II of the Forestry Act 1967 and that in most circumstances a woodland owner requires a licence from the Forestry Commission before they can fell their trees. These licences are granted either as a free standing licence or as part of an EGWS agreement. In the case of Moat Wood the owner had an EGWS agreement to produce a Management Plan for the wood and subsequent to this a second EGWS agreement to permit the felling proposed in the Management Plan. It explained that it is the second EGWS agreement that is effectively the felling licence. There is also a supplementary certificate which confirms that the felling activities described in the EWGS agreement are authorised under the Forestry Act.
14. It is clear that the complainant has been provided with a full copy of the agreement and the supplementary certificate, which is in fact headed "felling licence". This is not in dispute. Indeed, it is unclear on what basis the complainant believes that he has not been provided with the requested information apart from an apparently unfounded suspicion that the documents sent to him are not genuine. The Commissioner has certainly not seen any evidence to suggest that any information has been withheld from the complainant and he is entirely satisfied that the Forestry Commissioner has provided the complainant with all the information it holds falling within the scope of his requests and that this was provided within 20 working days of the requests being received.

Reference: FER0491253

15. The Commissioner has decided that the Forestry Commissioner has dealt with the requests in accordance with regulation 5(1) and regulation 5(2).

Right of appeal

16. 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: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

17. 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.
18. 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

**Pamela Clements
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**