

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

### **Decision notice**

**Date:** 6 December 2021

**Public Authority:** Maldon District Council

**Address:** Council Offices  
Princes Road  
Maldon  
Essex  
CM9 5DL

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Maldon District Council ['MDC'] relating to planning applications.
2. The Commissioner's decision is that MDC 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 the MDC 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. MDC 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

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5. On 25 August 2021, the complainant wrote to MDC and requested information in the following terms:

*"Please can you provide all internal and external correspondence in relation to two recent planning applications for Rosemary Cottage, Bung Row, Great Braxted.*

*Correspondence includes, but not limited to: emails, text messages, memorandums, WhatsApp messages etc.*

*I can confirm that this is my property and therefore there are no issues of privacy or data protection. I can provide proof if required."*

6. MBC wrote to the complainant on 25 August 2021 to acknowledge the request.

## Scope of the case

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7. The complainant contacted the Commissioner 15 November 2021 to complain about MDC's failure to respond to his request.
8. The Commissioner contacted MDC on 22 November 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 22 November 2021 to explain that MDC had been given 10 working days from 22 November 2021 within which to provide a response to their request.
10. The complainant has provided evidence that he has received an acknowledgement from MDC but, by the date of this notice, had not received a substantive response to his information request.
11. The scope of this notice and the following analysis is to consider whether MDC has complied with regulation 5(2) of the EIR.

## Reasons for decision

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

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

13. 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."*

14. MDC did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that MDC has breached regulation 5(2) of the EIR.

## Right of appeal

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15. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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**