

**Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 13 October 2022

Public Authority: Canal and River Trust

Address: Head Office
First Floor North Station House
500 Elder Gate
Milton Keynes
MK9 1BB

Decision

1. The Commissioner's decision is that the Canal and River Trust (CRT) does not hold the information requested.

Request and response

2. On 6 February 2022 the complainant made the following request for information under the FOIA:

"This is an urgent enquiry about the erection of scaffolding close to and above and against the supporting structure of the Salvage Turn Bridge near to the Cube building in Birmingham. It was only last week that 3 notices of yours that were affixed to the scaffolding despite the contract duration being stated as having begun on the 3 January 2022 and the scaffolding having been erected months before that. Also the notices refer to a site location plan being attached and yet no plan is attached. Please e mail me a copy of the submitted application and the missing plan and explain why you have not contacted persons who may have ownership rights in connection with the bridge. I have attached a photographs of one of your three identical notices."

3. The CRT responded on 1 April 2022 and stated:

"The land in question, where the scaffolding is situated is not Trust land and therefore, we are not responsible for the permitted works. The Trust did however permit on/over the tow path outside of Holiday Wharf. Therefore unfortunately we do not hold the information you are requesting."

Reasons for decision

4. This reasoning covers whether the PA stated correctly that it does not hold any information falling within the scope of the complainant's request.
5. The position of CRT is that it does not hold any information. As it is not responsible for the land in question, there is no reason why it would hold the requested information.
6. On this basis, the Commissioner's conclusion is that on the balance of probabilities the CRT does not hold the requested information.

Right of appeal

7. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. 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.
9. 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

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