

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

### **Decision notice**

**Date:** 17 June 2022

**Public Authority:** Kirklees Council

**Address:** Town Hall  
Ramsden Street  
Huddersfield  
HD1 2YZ

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

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1. The complainant requested information from Kirklees Council ("the Council") relating to correspondences exchanged about a warehouse development plan.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

## **Request and response**

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4. On 25 January 2022, the complainant made the following request for information to the Council:

"I would be interested in any/all information held by your organisation regarding all but not limited to 'files/documents/emails about what was exchanged/asked/visits between the planning department and KC highways and the developer and those acting on the behalf off of the developer relating to local plan ID ES6 / Warehouse development

Partically interested why there was 2 Highways Development Management (HDM) reviews and why the manager left

If you need further clarification please contact me by email.

I understand that I do not have to specify particular files or documents or dates of conversations and it is you to provide the information I require.

I would like the information to be emailed to me please in electronic form. If my request is denied in whole or in part, I ask you justify all your deletions by reference to the exemptions to the Act. I reserve the right to appeal your decision to withhold information. Or charge excessive fees.

I would be grateful if you could email me , that you have received this request. I look forward to your response as required by the Statue."

5. The Council acknowledged the request on 27 January 2022.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 7 April 2022 to complain about the Council's failure to respond to this request.
7. The Commissioner contacted the Council on 23 May 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
8. The Council provided a response to the information request on 9 June 2022.

9. This decision notice deals purely with the timeliness of the response to the request submitted to the Council on 25 January 2022.

### **Reasons for decision**

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

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

11. 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."

12. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the Council has breached regulation 5(2) by failing to respond to the request within 20 working days.

## Right of appeal

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13. 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)

14. 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.
15. 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**