

## **Environmental Information Regulations 2004**

### **Decision notice**

**Date:** 9 June 2023

**Public Authority:** Neath Port Talbot County Borough Council

**Address:** Civic Centre  
Port Talbot  
SA13 1PJ

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

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1. The complainant requested information about the impact of speed reduction measures on emissions on the M4 motorway. By the date of this notice, Neath Port Talbot County Borough Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached regulation 5(2) of the EIR in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

#### **Request and response**

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3. On 30 September 2022, the complainant wrote to the Council and requested information in the following terms:

"I wish to formally request the emissions data from the monitoring of the M4 segment that traverses through NPT prior to and since the introduction of speed restrictions and in particular I wish to formally request if the introduction of a speed reduction has impacted levels, positive or negative and indeed what the change is expressed as quantitatively."

4. The Council acknowledged the request on 3 October 2022 and advised that the subject did not come under its remit. The complainant provided the following clarification of their request that same day:

"My question is , given the pollution monitoring initiatives within the NPT area, has the introduction of the speed limit impacted local levels of pollution within PT?

I assume you monitor and manage pollution levels within the authority, thus has the introduction of said speed limit seen a change in those levels and if so what is the change?"

5. The Council acknowledged the clarified request on 3 October 2022.
6. The Council provided a response on 7 June 2023.

### **Reasons for decision**

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

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

8. 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."

9. On 22 May 2023 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention, the Council has failed to respond to the complainant.
11. 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.

## Right of appeal

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12. 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)

13. 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.
14. 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 .....**

**Catherine Fletcher**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**