

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 5 May 2023

Public Authority: Forest of Dean District Council
Address: High Street
Coleford
Gloucestershire
GL16 8HG

Decision (including any steps ordered)

1. The complainant has requested information relating to self-build planning permissions from Forest of Dean District Council (the Council).
2. The Commissioner's decision is that the Council failed to disclose the requested information within 20 working days and therefore breached regulation 5(2) of the EIR.
3. However, as the requested information has now been provided the Commissioner does not require any steps.

Request and response

4. On 10 October 2022, the complainant wrote to Forest of Dean District Council and requested information in the following terms:

"With reference to the requirements of the Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Build regulations, please can the Council provide a list of the planning permission reference numbers (and quantity of self-build plots) granted for self or custom build housebuilding?"

For the avoidance of doubt, this information requests a list of planning permission reference numbers and associated quantities of self and custom build housebuilding associated with these permissions. Details of applications related to these permissions is already in the public domain, and no information is requested beyond the list of permission reference numbers and associated quantities.”

5. The Council responded on 18 October 2022, refusing the request under section 40(2) of FOIA – third party personal data.
6. Following an internal review the Council wrote to the complainant on 5 December 2022, upholding its original decision.

Reasons for decision

Is the requested information environmental?

7. The Commissioner is satisfied that the information requested would fall within the definition at regulation 2(1)(c) of the EIR and that the request should have been considered under that access regime.

Regulation 5(2)

8. During the course of the investigation the Commissioner concluded that the Council may not have carried out an objective reading of the request since it was refused on the grounds that the complainant was requesting personal data. The Commissioner raised with the Council whether information falling within the scope of an objective reading of the complainant’s information request could constitute personal data.
9. Following contact from the Commissioner the Council conceded that it had not carried out an objective reading of the request and issued a fresh response to the complainant providing the information requested.
10. While the Council did not carry out an objective reading of the request no further action is required since the requested information has now been provided.
11. However, the complainant requested that the Commissioner issue a Decision Notice regarding the timeliness of the Council’s response.
12. It is the Commissioner’s decision that the Council breached regulation 5(2) of the EIR as it did not disclose the requested information within the statutory timescale of 20 working days.

Right of appeal

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

Website: 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

Ben Tomes
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF