

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 23 April 2025

Public Authority: Cheshire East Council
Address: Delamere House
Delamere Street
Crewe
CW1 2LL

Decision (including any steps ordered)

1. The complainant requested information with regards to Poynton Pool. Cheshire East Council (the council) provided the information it held.
2. The Commissioner's decision is that, on the balance of probabilities, the council has provided all the information it holds falling within the scope of the request and therefore complied with regulation 5(1) of the EIR.
3. The Commissioner does not require any steps.

Request and response

4. On 12 August 2024 the complainant made the following information request to the council:

"Friends of Poynton Pool put forward an alternative proposal to Cheshire East and Jacobs regarding the use of plastic beams and screw piles to increase the crest height at Poynton Pool in July 2023. This option was rejected as being unsuitable by the Council.

The attached Cheshire East Council meeting notes, point 32, state the Council had already considered this option.

Please would it be possible to have copies of any and all correspondence between Cheshire East Council and your agents, Jacobs, in respect of the evaluation (feasibility and financial) and subsequent discounting of a scheme of this nature as being unviable?"

5. The council responded on 16 September 2024 providing the information it held, redacting third party personal data.
6. The complainant requested an internal review on 26 September 2024 as they did not consider the response answered the question asked, and that the information provided did not include any evaluation of the alternative proposal for plastic beams and screw piles at Poynton Pool.
7. The council provided its internal review on 16 October 2024. It found that all the information relevant to the request had been provided, and clarified why it had provided the information it had. It explained:
- The emails provided, starting at the first page, refer to 'Alternative Options'. The beam and screw pile proposal is documented there.
 - Starting at the ninth page, the council had responded to queries raised during several meetings in 2023.
 - Providing a link to the planning portal, the proposal and response to why the beam and screw pile could not be used can be found in the 'Poynton Pool Summary Options Report'.

Scope of the case

8. The complainant contacted the Commissioner 29 October 2024 to complain that the information provided does not include the financial evaluation of a plastic beam screw pile option.
9. The scope of the case is for the Commissioner to determine whether the council holds any further information falling within the scope of the request.
10. The complainant has not disputed the redaction of personal data, so this will not be considered in this decision notice.

Reasons for decision

Regulation 5(2) of the EIR – information held/ not held

11. Regulation 5(1) states that “a public authority that holds environmental information shall make it available on request.”
12. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
13. The council has responded to the Commissioner’s enquiries advising that other than what has been provided, there is no further information held falling within the scope of the request and that the response did also include additional information to demonstrate the process that had been undertaken and the discussions between officers.
14. The council has explained to the Commissioner that its Cheshire East Highways Department obtained all the relevant information from the Cheshire East Highways (CEH) Project Team and the Project Technical Team at Ringway Jacobs. These being the teams involved with the project at Poynton Pool.
15. The council has told the Commissioner that all the technical officers involved have searched their emails, personal drives and shared drives, carrying out relevant key word searches and dates for information

relating to Poynton Pool and the alternative solutions that have been proposed.

16. The council has also advised the Commissioner that the CEH Project Manager reviewed the information and confirmed that all relevant information had been provided.
17. The CEH Project Officer provided the council with some additional explanations about the process that had been followed to evaluate the proposal about the screw pile. The council says it used this explanation, in the internal review response, to detail to the complainant where the relevant information could be located.
18. The council has confirmed that no information relevant to the scope of the request has been deleted or destroyed and that if further information was held, it would be held electronically.

The Commissioner's decision

19. It is not in the Commissioner's remit to determine what type of information should be held or created by a public authority, when it undertakes a project.
20. The Commissioner can only determine whether information, falling within the scope of a request, is held, and whether any held information should be provided.
21. The Commissioner has reviewed the above explanations from the council and is satisfied that the council has carried out sufficient searches with the most relevant departments involved in the specific project.
22. He also notes the council provided information outside the scope of the request to provide better context, but then provided clarity in the internal review response by explaining to the complainant which parts of that information was relevant to the request.
23. The Commissioner has not seen any evidence to show that the council's position in this case is wrong or that further information is held. He therefore finds, on the balance of probabilities, that the council has provided all the information it holds falling within the scope of the request.
24. Therefore, the Commissioner's decision is that the council has complied with regulation 5(1) of the EIR.

Right of appeal

25. 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

26. 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.
27. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
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SK9 5AF