

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 3 February 2025

Public Authority: Flintshire County Council

Address: County Hall
Mold
Flintshire
CH7 6NB

1. Request:

The complainant requested the following information from Flintshire County Council on 3 March 2024:

"Regarding the Rhos Rd South site in Penyffordd (subject to application 060076), works have been undertaken to remove the hedgerow along the boundary with the highway. The removal of the hedgerow is part of the plans, and could have been undertaken under the permissions awarded. However, my understanding is that work can only commence once all the reserved matters have been dealt with. I am not aware of the requirement to agree an affordable housing scheme having been completed, for example. I would therefore be grateful if you could confirm whether all the pre-commencement conditions have now been met.

If they have not been, removal of the hedge could be permitted under the Hedgerow regulations, upon a separate application to the local authority. If the pre-commencement conditions have not been fully met, was such an application made?

If such an application was made, was it agreed by the council, or was it permitted by default after the council did not respond within 4 weeks?

If the pre-commencement conditions are not met and there has been no application under the Hedgerow regulations, are you aware of any other lawful basis for undertaking the removal of the hedgerow at this point?

If you are not aware of any lawful basis, will this matter be referred to planning enforcement?"

2. Commissioner's Decision:

A public authority will breach regulation 5(2) of the EIR if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice Flintshire County Council has not issued a substantive response to this request. Therefore the Commissioner finds a breach of regulation 5(2).

3. Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under the EIR.

The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

4. Right of Appeal:

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

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

Deirdre Collins

Senior Case Officer

Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF