

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 5 January 2017

Public Authority: Wychavon District Council
Address: Civic Centre
Queen Elizabeth Drive
Persnore
Worcestershire WR10 1PT

Decision (including any steps ordered)

1. The complainant has requested information about a particular planning application. Wychavon District Council ('the Council') initially said that all the relevant information it holds is published on its website but released other information to the complainant during the Commissioner's investigation. The complainant considers that the Council holds additional relevant information that it has not released.
2. The Commissioner's decision is that, on the balance of probabilities, the Council has released to the complainant all the information that it holds that falls within the scope of his request and has met its obligations under regulation 5(1) of the EIR. The Commissioner does not require the Council to take any steps.

Request and response

3. On 26 May 2016, the complainant wrote to the Council and requested information in the following terms:

"Under FOI and EIR legislation I would like both a paper and electronic copy of all correspondence how so ever held by the Council both to and

from officers, developers, land agents, etc. and members in respect of the above planning application from between 1st January 2016 and 26th May 2016 please."

4. The Council responded on 17 June 2016. It said that all the relevant information it holds is published on its website.
5. The complainant was of the view that the Council held other information, such as correspondence, that is not published on its website. Following an internal review the Council wrote to the complainant on 4 July 2016. It maintained its position that all the information it holds is published on its website.
6. During the Commissioner's investigation, the Council identified information relevant to the complainant's request, namely email correspondence, which has not been published. It released this to the complainant on 1 November 2016.

Scope of the case

7. The complainant contacted the Commissioner on 11 July 2016 to complain about the way his request for information had been handled. Following receipt of the additional information in November 2016, the complainant preferred to progress his complaint as he considers that the Council holds further relevant information.
8. The Commissioner has focussed her investigation on whether the Council has released to the complainant all the information that it holds that falls within the scope of his request, and has met its obligation under regulation 5(1) of the EIR.

Reasons for decision

9. Regulation 5(1) of the EIR says that a public authority that holds environmental information shall make it available on request.
10. In its submission to the Commissioner, the Council has said that, as a result of her investigation, it has conducted further searches covering the period 1 January 2016 to the present, and it has spoken again to relevant officers. The Council has confirmed that it holds no further information falling within the scope of the request.
11. The Council says that all correspondence relating to planning applications is held electronically in two places. Because the planning process is transparent, almost all information is published on its website

under the reference of the planning application number – W/15/02325 in this case.

12. Some information of a procedural or technical nature is held on an internal system called 'Acolaid', which is also used to store information classed as 'sensitive'. The Council says that there is no recorded information on planning matters that is not held in one of these two locations.
13. The Council has told the Commissioner that it has searched the above two locations and its searches have also included information held on personal computers. No relevant information was identified that has not already been disclosed to the complainant or is not published on its website. The Council has used the search terms 'Abbey Road', 'Boat Lane', and 'W/15/02325' to search its electronic records.
14. The Council's records management policy states that records of planning applications should be retained indefinitely. It has confirmed that no information relevant to the request has been deleted or destroyed.
15. In summary of its position, the Council says that it has supplied to the complainant all the information that it holds that is relevant to his request. It says that, over a period of time, it has supplied the complainant with a large amount of information regarding the proposed development in question. It appears to the Council that the complainant considers that there must be discussions going on about the development 'behind the scenes' that the Council is keeping from him. The Council has confirmed to the Commissioner that this is not the case.
16. With regard to any correspondence with elected members of the Council, the Council says that it holds no correspondence with members about this planning proposal. It says that members sometimes ask officers informally what is happening with a particular application. The relevant case officer's recollection is that this has happened in this case, and that no written record was made. The Council says it is also possible that the developer in this case has had informal discussions directly with Worcestershire City Council, in which it has not been involved.
17. Having considered the Council's submission and the circumstances of this case, and in the absence of any compelling evidence from the complainant, the Commissioner is prepared to accept that, on the balance of probabilities, the Council has released to the complainant all the relevant information that it holds, which is not also published on its website, and holds no further information.

Right of appeal

18. 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: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF