

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

**Date:** 10 March 2022

**Public Authority:** London Borough of Redbridge

**Address:** Town Hall  
High Road  
Ilford  
Essex  
IG1 1DD

**Decision (including any steps ordered)**

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1. The complainant has requested information about tree works associated with a specific property. London Borough of Redbridge ('the Council') has disclosed relevant information.
2. The Commissioner's decision is as follows:
  - On the balance of probabilities, the Council has disclosed all the relevant information it holds and has complied with regulation 5(1) of the EIR.
3. The Commissioner does not require the Council to take any corrective steps.

## Request and response

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4. On 20 February 2020 the complainant wrote to the Council and requested information in the following terms:

“I requested trees history of applications at no [Redacted] WOODFORD GREEN ESSEX 20th December, this was not achieved in line with FOI request. I therefore now seek entire tree application history and supporting application evidence again under FOI back to late 70's early 80's inline with history of (us) [Redacted] becoming a conservation area and all tpo's placed on trees within the land....”
5. The Council responded on 19 March 2020 and released some information by secure email and in hard copy by surface post; the majority of this concerned the complainant's own property.
6. Following the Commissioner's intervention, the Council provided an internal review on 11 December 2020. The Council confirmed that it had searched for information about two specific addresses – the complainant's address and the address referred to in the request. The Council re-stated the information it had already sent to the complainant but acknowledged that it had identified further information relevant to the request. The Council disclosed that information to the complainant.

## Scope of the case

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7. The complainant first contacted the Commissioner on 4 January 2021 to complain about the way their request for information had been handled.
8. The Commissioner's investigation has focussed on whether, on the balance of probabilities, the Council holds any further information within scope of the complainant's request and has complied with regulation 5(1) of the EIR.

## Reasons for decision

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### **Regulation 5 – duty to make available environmental information on request**

9. Regulation 5(1) of the EIR says that a public authority that holds environmental information shall make it available on request.
10. For clarity, the Commissioner is not expected to prove categorically whether the information is held. He is required only to make a

judgement on whether the information is held on the civil standard of proof ie on the balance of probabilities.

11. In this case, the complainant has requested applications for tree work at a specific address going back to the 1970s.
12. In its submission to the Commissioner, the Council confirmed that all planning applications are scanned and stored electronically on its "APAS" server "and Information@Work". This links directly to the Council's published online planning website pages. The majority of planning applications are now received via the Planning Portal for efficiency purposes, and particularly since the recent introduction of a fee for handling hard copy applications. The APAS server is the sole repository for all planning applications and is the means by which relevant documentation is received.
13. The Council went on to say that Planning Business Manager undertook an initial search of the APAS system for all planning applications including decision notices and plans registered against "the complainant's address". It had then provided scanned copies for its response to the request. Due to the size of the scanned documentation a secure email was sent to the complainant and hard copy versions were sent too. As part of the internal review the Council's Head of Property also reviewed the documents held on the server. It was as part of this cross-referencing exercise that it was identified that some information had been omitted to be sent in the Council's original response. This was subsequently provided to the complainant.
14. The Council confirmed that all planning searches on APAS and its planning website pages are undertaken using the property address or the application reference, if known. Only relevant information is stored on the planning system. This is limited to applications, officer reports, representations, amendments, site plans/elevations and decision notices. No searches were extended to staff laptops/emails as information is not stored there.
15. The Council also confirmed that all historical manual [ie hard copy] planning records were scanned in 2017 ie they became electronic records. The paper files were then securely destroyed. Given the volume and scope of that project, the Council says it cannot guarantee that every document was scanned correctly. However, the Planning Service had commissioned an external company to deliver this project, to ensure compliance with the legislation that required planning applications to be available online.

16. The Council subsequently confirmed to the Commissioner that, as well as searches against the complainant's address, it had also undertaken searches against the second address, which is the address referred to in the request.

### **Conclusion**

17. The Council has advised the Commissioner that it scanned its paper planning records in 2017 and then destroyed the original paper records. The Commissioner accepts that the Council now holds all its planning records electronically, on its server.
18. The Council has confirmed that it has searched its server for all planning records associated with the complainant's address and the address referred to in the request. It has identified and disclosed all the relevant information it holds and has confirmed that it holds no further information. The Commissioner considers that the Council's explanation about how it keeps its planning records is entirely credible and that the searches of those records that it has undertaken were appropriate. The Commissioner's decision is that, on the balance of probabilities, the Council holds no further information that is relevant to the request and has complied with regulation 5(1) of the EIR.

## **Right of appeal**

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19. 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)

20. 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.
21. 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**

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**