

## **EIR Request (received 06 September 2021) - Reference: DFI/2021-0332**

Re: Planning Reference: P/2013/0242/F - Lands owned by MJM Developments Ltd at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road ("Site 1"), & Planning Reference: P/2006/1117/F - Lands owned by EDB Construction Limited opposite Nos. 20-24 Watsons Road Newry ("Site 2").

We refer to the above and write to request the following information under the Freedom of Information Act 2000:-

1. All correspondence and documentation as passed between DFI Roads and MJM Developments Ltd, its agents and solicitors to include all discussions and interactions in relation to Site 1 from 1st January 2019 onwards.
2. All correspondence and documentation as passed between DFI Roads and MJM Developments Ltd, its agents and solicitors to include all discussions and interactions in relation to Site 2 from 1st January 2019 onwards.
3. All correspondence as passed between DFI Roads and Newry, Mourne and Down District Council ("the Council") in relation to Site 1 to include all discussions and interactions from 1st January 2019 onwards.
4. All correspondence as passed between DFI Roads and the Council in relation to Site 2 to include all discussions and interactions from 1st January 2019 onwards.
5. All internal correspondence between DFI Roads officials to include letters, emails, telephone records and notes held on file in relation to Site 1 and Site 2 from 1st January 2019 onwards.
6. All information and records held by DFI Roads in relation to planning matter P/2013/0242F from 1st January 2019 onwards including all such information relating to any proposed or lodged application to discharge or vary any condition contained within the planning permission.
7. All information and records held by DFI Roads in relation to planning matter P/2006/1117/F from 1st January 2019 onwards.
8. The dates of all such meetings held (virtually or in person) between DFI Officials and the Council relating to planning application P/2013/0242/F and planning application P/2006/1117/F and all such minutes produced and in the absence of such meetings existing a detail of what matters were discussed from the DFI Roads Officials in attendance.

9. The dates of all such meetings held (virtually or in person) between DFI Officials and the Council relating to the private streets determination appended to planning permission P/2006/1117/F and any such discussion related to the preliminary certificate issued pursuant to that private streets determination and the application for final certification sought with respect to that private streets determination as per the Article 3(4)(c) agreement.
10. The dates of all such meetings held (virtually or in person) between all DFI Roads Officials held with MJM Developments Limited, its servants or agents or members of the company relating to Site 1 or Site 2 since 1st January 2019 and all such minutes produced and in the absence of such meetings existing a detail of what matters were discussed from the DFI Roads Officials in attendance.

### **Response (issued 04 October 2021)**

Thank you for your email of 6 September 2021 requesting copies of information held about two sites on Watsons Road, Newry, since 1 January 2019; Site 1: P/2013/0242/F, MJM Developments & Site 2: P/2006/1117/F, EDB.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

I can confirm that the Department has provided the majority of information through a previous information request. This information can be found at the following link:

<https://www.infrastructure-ni.gov.uk/publications/dfi2021-0048-eir-request-copies-all-communication-between-dfi-roads-particularly-01-january-2019>.

I attach copies of all additional correspondence, suitable for disclosure, that falls within the scope of this request. You will note, however, that the information attached has been redacted.

The redacted information constitutes third party personal data within the meaning of the Data Protection Act 1998 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles, and must consider all consequences of disclosure in each case.

Sections of the requested information is therefore withheld under the exception provided under EIR by Regulations 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information therefore personal data such as names and phone numbers have been redacted from the information provided.

In addition, due to a pending legal action, any communication with the Department's legal representatives have been withheld. It is a long-standing convention that legal correspondence will be subject to Legal Professional Privilege, and that this privilege extends to both litigation and legal advice. Freedom of Information legislation has provided are exempt as a legal case is pending. The exceptions applied are 12(4)(e) and 12(5)(b).

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