

EIR Request (received 11 April 2022) - Reference: DFI/2022-0131

Please provide the following under FOI/EIR:

All records held by the Department in relation to the investigation into planning applications for intensive livestock, referenced in Dr Boomer's (Mid-Ulster Council) letter of 16 September 2021.

Response (issued 25 May 2022)

Thank you for your email dated 11 April 2022, I apologise for the delay in responding. You have requested, under the Freedom of Information Act 2000 (FOI) or the Environmental Information Regulations 2004 (EIR) the following information:

All records held by the Department in relation to the investigation into planning applications for intensive livestock

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of EIR, as opposed to FOI. 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.

In relation to the response you received from Mid Ulster Council dated 8 April, I would wish to clarify that DfI Planning was a participant in an investigation conducted by the Department of Finance, (DOF). The lead Department on this issue is however, the Department of Agriculture Environment and Rural Affairs (DAERA).

Following consideration of the public interest in this case I have determined that the requested information is not suitable for release under the exception provided under EIR by Regulation 12(5)(b): the course of justice and inquiries (to protect the processes of investigation). I am satisfied that the public interest is best served by withholding this information.