

## **EIR Request (received 07 September 2022) - Reference: DFI/2022-0288**

The request relates to planned development work to the rear and south east of No.s 7, 8, 9, 10, 11, 12, 12a and 14 Warren Hill and to the rear and north east of No.s 2, 4, 4a and 6 Greenan Road, Newry, Co Down

My request is as follows:

1. Under the Freedom of Information Act 2000, the Environmental Information Regulations and INSPIRE, I hereby request all correspondence in relation to the roads and footpaths associated with ref: LA07/2015/0109/F, from inception to date, the conditions attached to the planning approval and the discharge of conditions in respect of same. This should include all subsequent planning references associated with LA07.
2. Further, I wish to obtain the most recent and up to date approved plans (including roads and footpaths) and the date these were submitted to the Department for Infrastructure Roads Service, including renotification to interested parties of any update of plans.
3. I also wish to request information in relation to the ongoing/proposed works to land immediately adjacent to 40 Old Warrenpoint Road, Newry, at the junction of the Greenan Road/Old Warrenpoint Road and title deeds/proof of ownership of said land.

## **Response (issued 22 September 2022)**

Thank you for your email dated 7<sup>th</sup> September 2022 requesting under the Freedom of Information Act 2000 (FOI), information held by the Department. You requested the above information.

In considering your request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FoI. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access environmental information held by public authorities.

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/>.

In response to your request, I can confirm that the Department for Infrastructure does hold some of the information related to your request, however, there are several questions which

relate directly to the planning approval and planning process which falls within the responsibility of the local planning office, in this case this is Newry Mourne and Down Council Planning.

As EIR relates to public rights of access to information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public.

I can advise that the information that we hold that is within our responsibility for release has been supplied below or attached for your information. In response to your questions, I can advise as follows.

1. I can advise that the majority of the correspondence in relation to your request can be viewed on the planning portal with reference the following application numbers, LA07/2015/0109/F, LA07/2018/0077/DC, LA07/2018/0607/DC, LA07/2019/0124/DC and LA07/2020/1372/DC.

There is also some additional correspondence in relation to these applications which is not on the planning portal which, following consideration of the public interest in this case, I have attached as per your request. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted for the following reason.

The redacted information constitutes commercially sensitive information which, being neither trivial nor in the public domain, meets the Common Law's necessary quality of confidence. The information is being withheld from disclosure to protect the legitimate economic interests of both the Department and third parties.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information. I am satisfied that the public interest is best served by withholding this information.

I appreciate that you may be disappointed with this response, but I hope that you will understand the reasons behind the Department's decision.

In relation to the conditions attached to the planning approval and the discharge of conditions I can confirm that this part of the question relates directly to the planning approval and planning process which falls within the responsibility of the local planning office.

2. This question relates directly to the planning approval and planning process which falls within the responsibility of the local planning office.

3. This question relates directly to the planning approval and planning process which falls within the responsibility of the local planning office. The information is not held by this Department.

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