

## **EIR Request (received 10 October 2022) - Reference: DFI/2022-0332**

Under the freedom of information I request all records relating to two planning applications under Lisburn and Castlereagh City Council. Although there are two planning applications they are for the one building site. A second application was applied for as the first application was nearing expiry date due to a Judicial Review made by the Council on its own decision which was quashed by the Court.

The reference numbers are LA05/2021/0276 and LA05/2021/1372/RM.

## **Response (issued 07 November 2022)**

Thank you for your email dated 10th October 2022 requesting, under the Freedom of Information Act 2000 (FOI), information held by the Department for Infrastructure. You requested the following:

*All records relating to two planning applications. Planning Reference numbers LA05/2021/0276/RM and LA05/2021/1372/RM*

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 information related to your request. 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.

Following consideration of the public interest in this case, I attach all information held that is suitable for disclosure to the public. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted.

The redacted information relates specifically to (1) DfI Roads' Planning Application file Reference Number LA05/2021/1372/RM, which the Lisburn and Castlereagh City Council Planning Authority has removed from the NI Planning Portal.

Note the information provided for (2) DfI Roads' Planning Application file Reference Number LA05/2021/0276/RM is also available on the NI Planning Portal along with information provided with the associated file (3) LA05/2017/1038/O.

The site can be accessed either by clicking on the Property and housing heading on nidirect or the following link: <https://epicpublic.planningni.gov.uk/publicaccess/>.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information whose legitimate economic interests are affected (Department, third party/parties or indeed both) and whereby disclosure may cause harm. I am satisfied that the public interest is best served by withholding this information.

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