

EIR Request (received 31 January 2019) - Reference: DFI/2019-0044

A copy of DfI Planning's internal Development Management Operation Guidance, developed by DOE, relating to mains foul connections.

Response (issued 13 February 2019)

Thank you for your email of 31 January 2019 requesting the aforementioned guidance.

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, information provided in response to a request is considered to have been placed in the public domain. 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 response to your request, please find attached a copy of Annex B of the Development Management Manual entitled 'Operational Guidance: The use of negative conditions to deal with sewerage infrastructure inadequacies' Version 4 (January 2010). This guidance document was issued by the former Department of the Environment (DOE) Planning Service for use by its planning officers when it was the unitary planning authority for Northern Ireland. However, following local government reform, on 01 April 2015 the bulk of planning functions transferred to district councils and at the same time a reformed planning system was established. Therefore, the document reflected the DOE's internal guidance in relation to proposed developments which had sewerage infrastructure inadequacies at a specific period in time pre-transfer and should be treated as a historical reference.

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