Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Stràbane
Destrick Cooncil

Ref: EIR / 6494

04th August 2026

**Environmental Information Regulations Request - Planning Enforcements in BT47 Area**

I refer to your EIR request and respond as follows:

**Request**

Can I request all open cases that are being reviewed in the BT47 area?

**Response**

Council does hold information in relation to enforcement cases for residential developments within the BT47 2* postcode area. Council can confirm that it holds information in relation to ten open enforcement cases that relate to residential development in this postcode area.

Given that the relevant cases are live and ongoing enforcement cases, Council would apply exemptions in relation to information with these files. Please note our reasoning set out below.

Under Regulation 12(5)(b) Council can refuse to disclose information that would adversely affect formal legal proceedings, whether criminal or civil. Including enforcement proceedings. This exception is subject to the public interest test. To allow the Council to fulfil its statutory duties, to ensure that a fair and lawful planning system is being operated and to ensure that unlawful action can be fully investigated, Council thereby invokes the exception at Regulation 12(5)(b).

Where the Council decides that the information requested is excepted from disclosure under Regulation 12(5)(b), it must apply what is known as a public interest test. This requires the Council to decide, whether, in all circumstances pertaining to

the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. The arguments that were taken into account in favour of disclosure were:

- Promote accountability and transparency in relation to the Council's decisions and its spending of public money;
- Assist the public to understand and challenge the Council's decisions;
- The specific circumstances of the case and the content of the information requested in relation to those circumstance;
- Whether any of the information was already in the public domain;
- The impact of disclosure upon individuals and the wider public; and
- The fact that the enforcement action potentially involved a public body.

The arguments which were taken into account in favour of maintaining the exception were:

- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- The impact of disclosure upon individuals and the wider public;
- The likelihood and severity of harm that disclosure might cause;
- The significance and sensitivity of the information; and
- The likelihood that disclosure in such circumstances might prejudice any legal proceedings.

Having taken into account the arguments for and against disclosure, and in particular the fact that these files are ongoing investigations and the likelihood and severity of harm that disclosure might cause to any investigation, the Council has decided that the public interest in this case is best served by maintaining the exception provided under Regulation 12(5)(b) and by not disclosing the information requested.

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel:  0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely

**Suzanne McCracken**
**Head of Planning**