

Ref: EIR / 6063

21st November 2025

Environmental Information Regulations Request - Planning Applications for M&S and Iceland at Crescent Link

I refer to the above and your request for information as set out in correspondence dated 20 October 2025. Having considered the matter, Council believes that your request is in respect of environmental information and has therefore considered it under the Environmental Information Regulations 2004 and respond as follows:

I am seeking access to all recorded information held by Derry City and Strabane District Council relating to the proposed developments by Marks & Spencer and Iceland at Crescent Link, Londonderry. Specifically, I request:

1. All correspondence between the Council and Marks and Spencer or Iceland regarding proposed planning applications for a larger M&S Foodhall and an Iceland Food Warehouse at Crescent Link from January 2020 to present.

Council holds no direct correspondence between the Council and Marks and Spencer or Iceland regarding proposed planning applications for a larger M&S Foodhall and an Iceland Food Warehouse at Crescent Link from January 2020 to present. However, Council has engaged with the planning agent for the planning application, LA11/2021/0120/F and the information is currently publicly available on the public planning portal. The full details of the planning application are accessible on the NI Planning Portal at the following link:

<https://planningregister.planningsystemni.gov.uk/simple-search>

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

+44 (0) 2871 253 253
info@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
@dcsdcouncil

2. Internal communications, meeting minutes, or planning documents discussing these proposals, including any reasons for delay, non-response or withdrawal.

Council does hold this information.

Planning application: LA11/2021/0120/F for Comprehensive development proposal to permit the subdivision of unit 1 (existing Homebase) to 2no units to accommodate a reduce size Homebase store (Unit1B) and relocation and upsize of the Marks & Spencer's food hall from unit 17a to new unit 1a; Proposed change of use of existing M&S Food Hall (Unit17a) from Class A1 retail to 2no restaurant units; and amalgamation of Uni19 and Unit19A and change from bulky goods retail unit to a convenience store for a new end-user Iceland Food Warehouse. Development to include all associated site and access works with alteration and upgrade of road access and car parking areas to improve parking and circulation within the Retail Park and provide additional exit lanes at Crescent Link Retail Park, Crescent Link, Londonderry.

This planning application is currently publicly available on the public planning portal. The full details of the planning application are accessible on the NI Planning Portal at the following link:

<https://planningregister.planningsystemni.gov.uk/simple-search>

Council does hold further information pertaining to this application which is not available to view on the public planning portal. This information is attached for your convenience. Council considers some of the information it holds exempt from disclosure and has therefore invoked the exception as follows:

Regulation 12(4)(e) allows a public authority, such as Derry City and Strabane District Council to refuse to disclose environmental information requested, if the request is with regard to the disclosure of internal communications. The Guide to the Environmental Information Regulations issued by the Information Commissioner, who is the regulator responsible for ensuring that public authorities comply with this legislation, advises that a request may be refused if the request is for information that is an internal communication.

The Council has, therefore, decided to not release some information on the grounds that the information requested falls within this description and is exempt from disclosure under the exceptions to disclosure provided in Regulation 12(4)(e) of the Environmental Information Regulations 2004.

Where the Council decides that the information requested is exempt from disclosure under some or all of these exceptions, 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:

- That it would allow for more informed debate on the issue
- 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 decision
- 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; and
- The impact of disclosure upon individuals and the wider public.

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 circumstance
- The timing of the request
- The amount of information already in the public domain
- The impact of disclosure upon individuals and the wider public; and
- The unreasonable costs and unreasonable diversion of resources that dealing with the request would incur.
- The risk of inhibiting debate.
- The likelihood and severity of harm that disclosure might cause.
- The significance and sensitivity of the information.

Having taken into account the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exception provided under Regulations 12(4)(e) of the Environmental Information Regulations and by not disclosing all of the information requested. The Council considers that the possible benefits of disclosure to the public at large are outweighed by the need to ensure that the Council maintains the confidentiality of commercial and industrial information in this instance and maintains the confidentiality of its proceedings.

3. Comparative planning timelines, correspondence, and decision records for recent changes approved at Foyleside Shopping Centre, including unit conversions from retail to food service.

Council does not hold information in relation to comparative timelines.

Correspondence and decision records for recent changes approved at Foyleside Shopping Centre, including unit conversions from retail to food service, are currently publicly available on the public planning portal. I have attached a list of recent planning applications for your convenience as below:

- LA11/2024/0198/F for Change of use from Class A1 Retail to coffee shop/restaurant (Sui Generis) at Unit L12a, Foyleside Shopping Centre, Orchard Street, Derry, BT48 6XY.
- LA11/2025/0226/F for Proposed change of use from Class A1 retail to a hot food bar/restaurant (Sui Generis) at Units L-17 & L-18, Foyleside Shopping Centre, Orchard Street, Derry, BT48 6XY.
- LA11/2023/1710/A for 1 Digital, 2 Projecting sign at Foyleside shopping centre.
- LA11/2025/0178/A for Retention of 1no. projecting LED screen advertisement at Foyleside shopping centre.

The full details of the planning applications above are accessible on the NI Planning Portal at the following link:

<https://planningregister.planningsystemni.gov.uk/simple-search>

- 4. Any recorded rationale or policy guidance that may explain differences in processing or responsiveness between these applications and similar proposals elsewhere in Northern Ireland. For context, I understand that Marks & Spencer submitted a similar proposal in Coleraine, which was successfully processed and resulted in a move to a larger unit. I am interested in understanding why the Crescent Link proposals were not progressed, while significant changes at Foyleside and Coleraine appear to have been approved in a shorter timeframe.**

Council does not hold this specific information. Current planning policy in DCSDC is already available online at:

<https://www.derrystrabane.com/subsites/ldp/ldp-plan-strategy-%E2%80%93-adopted-2025>

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 reconsider its decision.

Yours sincerely

Andree McNee
Principal Planning Officer