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

Ref: EIR / 6438

22nd July 2026

Environmental Information Regulations Request - Communications Regarding New Home Bargains

I refer to your EIR request and respond as follows:

Q. Can the council provide all communications from reps at TJ Morris/Home Bargains from 1 January 2026 to the latest date possible in 2026 linked to its plans for a new store at the old Lisnagelvin Leisure centre site in the city please?

R. Having considered the matter further, Council believes that your request is in respect of environmental information and has therefore considered it under the Environmental Information Regulations 2004. I must advise that the Council holds the information you have requested. This information falls into two categories. There is information in relation to a related planning application. This information is publicly available via the Planning Portal at:

https://planningregister.planningsystemni.gov.uk

The application reference number is LA11/2026/0299/PAN. The second category of documentation is legal correspondence passing between the Council's solicitor and the developers' solicitors in relation to the conveyancing transaction and also the pre-application discussion document. Council considers that this documentation is exempt from disclosure under regulation 12(5)(e).

Regulation 12(5)(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 confidentiality of commercial or industrial information. The Guide to the Environmental Information Regulations issued by the Information Commissioner, who is the regulator responsible for ensuring the public authorities comply with this legislation, advises that a request may be

refused if the information is commercial or industrial in nature, confidentially is provided by law and there is a legitimate economic interest which would be adversely affected by disclosure. This exception would not apply if the information related to emissions.

The Council has therefore decided to refuse your request on the grounds that the information requested falls within this description and is exempt from disclosure under the exception to disclosure provided in regulation 12(5)(e) of the Environmental Information Regulations 2004.

Where the Council decides that the information requested is exempt from disclosure under regulation 12(5)(e) of the regulations, it must apply what is known as the 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;
- That it would promote accountability and transparency in relation to the Council's decisions;
- That it would assist the Council to understand and challenge the Council's decisions;
- The specific circumstances of the case and the content of the information requested in relation to these circumstances;
- Whether any of the information was already in the public domain; and
- Whether the impact of disclosure upon individuals and the wider public would be positive.

The arguments that 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 timing of the request;
- The amount of information already in the public domain;

- 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.

Having taken into account the arguments for and against disclosure, and in particular the fact that the documentation relates to correspondence as between legal representatives in relation to a conveyancing transaction and also the fact that there is an ongoing planning application which remains to be determined, the Council has decided that the public interest in this test is best served by maintaining the exception provided under regulation 12(5)(e) of the Environmental Information Regulations and by not disclosing the information requested. The Council considers that the possible benefits of disclosure are outweighed by the need to ensure that the Council maintains the confidentiality of commercial information in this instance and maintains the confidentiality of its proceedings at this time. The Council considers that it may be that were this request to be renewed following the conclusion of the planning application, that the public interest consideration in relation to releasing this information could be revisited.

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

Philip Kingston LLB
Lead Legal Services Officer