

Ref: EIR / 6089

12th December 2025

Environmental Information Regulations Request - Enforcement Notices at 77 and 93 Bonds Glen Road, Londonderry

I refer to your email dated 03rd November 2025 requesting information under the Freedom of Information regulations. As your information request relates to environmental information it has been dealt with under the Environmental Information Regulations 2004, as below.

Request

On behalf of Bonds Glen Environmental Group, I wish to submit a request under the Freedom of Information Act 2000.

We have been advised by Council planning officers that enforcement notices have been issued in respect of the following properties:

- 77 Bonds Glen Road, Killaloo, Co Londonderry
- 93 Bonds Glen Road, Killaloo, Co Londonderry

We would be grateful if you could provide the following information:

1. Copies of the enforcement notices issued for each of the above properties (including any associated breach of condition notices, stop notices, or related planning enforcement correspondence).
2. Details of the current status of each enforcement case including whether the notices remain in effect, have been complied with, withdrawn or are subject to appeal.

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98 Strand Road
Derry
BT48 7NN

Strabane

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47 Derry Road
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 Derry City & Strabane District Council
 @dcsdcouncil

3. Any updates or outcomes of investigations undertaken in relation to these notices for example site visits, compliance reports or closure notices.

If any of the requested information is exempt from disclosure, please provide the reason for the exemption and any relevant sections of the Act that apply.

Response

1. Copies of the enforcement notices issued for each of the above properties (including any associated breach of condition notices, stop notices, or related planning enforcement correspondence).

Council does not hold any information in relation to enforcement notices or breach of condition notices in respect of No. 77 Bonds Glen Road.

Council does have an enforcement case under reference number LA11/2021/0201/CA for unauthorized works/excavation on site and new roadworks including construction of a new access at 77 Bonds Glen Road.

In respect of the unauthorized works/excavation on site and new roadworks, enforcement investigations are ongoing. Council issued a Planning Contravention Notice, which is a formal legal notice requesting information from the owner to be provided to Council's planning enforcement team. Council has also served a Temporary Stop notice in respect of the engineering works described above.

In respect of the new access at 77 Bonds Glen Road, planning application reference LA11/2021/1306/F for the retention of site works to create a new access to 77 Bonds Glen Road, was submitted to remedy this breach of planning control. The planning application was approved on 25 October 2023.

Council does not hold any information in relation to enforcement notices, breach of condition notices or stop notices, in respect of No. 93 Bonds Glen Road.

Council, however, does have an enforcement case under reference number LA11/2025/0123/CA for unauthorized building works at 93 Bonds Glen Road.

You have asked for related planning enforcement correspondence. Council considers that exceptions apply to this information. The information is linked to ongoing enforcement cases and therefore Council considers it is not appropriate at this time to release this information. Regulation 12(5)(b) allows a public authority such as Derry City and Strabane District Council to refuse to disclose environmental information requested if its disclosure would adversely affect the course of justice and enquiries.

The Guide to the Environmental Information Regulations issued by the Information Commissioner advises that information can be excepted from disclosure if its disclosure would adversely affect the ability of a public authority to conduct an enquiry or investigation of a criminal or disciplinary nature. In *Vaudry v The Information Commissioner and Stratford-on-Avon District Council* (EA/2018/0123, 15 November 2018) the request related to a Planning Enforcement Notice issued against a specific property. The request was for all correspondence and notes on the matter. The Information Tribunal said that the information related to a "potential offence under Section 179 of The Town and Country Planning Act 1990. This information would clearly be relevant to enquiries made by the Council into whether there had been a breach, which would be an enquiry of a criminal nature. Disclosure would, therefore, potentially affect the Council's ability to conduct such an enquiry, and the course of justice more generally."

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)(b) of the Environmental Information Regulations 2004. Where the Council decides that the information requested is exempt from disclosure under Regulations 12(5)(b) of the Environmental Information Regulations 2004, 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 has given careful consideration to the arguments for and against disclosure. The arguments that were taken into account in the favour of disclosure were:

- Allowing for more informed debate on the issue
- Promoting accountability and transparency in relation to the Council's decisions and its spending of public money
- Assisting 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 circumstances
- 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 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, the Council has decided that the public interest in this case is best served by maintaining the exception provided under Regulations 12(5)(b) of the Environmental Information Regulations 2004 and by not disclosing the information requested. The Council considers that the possible benefits of disclosure are outweighed by the fact that there are ongoing enforcement proceedings in relation to this matter. The Council considers that should your request be renewed following the conclusion of the enforcement proceedings then it may well be possible to produce some, if not all of the information that you have requested at that time.

2. Details of the current status of each enforcement case including whether the notices remain in effect, have been complied with, withdrawn or are subject to appeal.

Regarding No. 77 Bonds Glen Road, Council holds an ongoing enforcement case under ref: LA11/2021/0201/CA, as set out above, in response to question 1.

Regarding 93 Bonds Glen Road Council has an ongoing enforcement case under LA11/2025/0123/CA, relating to alleged unauthorized building works. Council is also processing a planning application under LA11/2025/0591/F for material change of use of existing bar/restaurant to 6 self-contained flats and associated alterations. To date an enforcement notice has not been served. A warning letter has however been issued advising that works stop pending the outcome of the planning application. In line with the Councils Enforcement Strategy further enforcement action will be held in abeyance pending the outcome of the planning application. In respect of planning application ref: LA11/2025/0591/F, officers await a response from SES before the application can be progressed.

As enforcement notices have not been served in respect of these cases, Council does not hold information in relation to whether the notice remains in effect, has been complied with, withdrawn or are subject to appeal.

3. Any updates or outcomes of investigations undertaken in relation to these notices, for example site visits, compliance reports or closure notices.

Council does hold records of site visits and reports but as the enforcement cases are ongoing Council is not able to disclose this information due to the public interest test set out above in response to question 1.

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

Suzanne McCracken

Head of Planning