



Ref: FOI / 5706

21st May 2025

Email:

Dear

Freedom of Information Act 2000 Request - Planning Activities Involving Órfhlaith Begley MP

I refer to your FOI request and respond as follows:

Request

I request information on planning activities (e.g., applications, objections, appeals, enforcement notices, consultation responses, or related correspondence) held by your authority between 18 April 2020 and 19 April 2025. This request relates to the following:

- **Órfhlaith Begley**, Member of Parliament for **West Tyrone**.
- Individuals sharing the surname **Begley**, particularly where involvement may reasonably relate to the MP.
- **Spouses, partners, family members, or co-inhabitants** ("co-inhabitants") at address(es) associated with Órfhlaith Begley, where planning activities may reflect household interests, even if the MP is not named directly.

I understand that the constituency of West Tyrone spans multiple planning authorities and that Órfhlaith Begley may or may not reside within your specific area. Nevertheless, as your authority covers part of the constituency in which the individual may reside, I request any relevant records falling within your jurisdiction.

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

Scope of Requested Information

Please provide details of any planning activities involving:

- **Direct Involvement:** Records naming Órfhlaith Begley or reasonable derivations (for example e.g., "J. Smith", "Jon Smith", "Jonathan A. Smith", "J.A. Smith", "J Alexander Smith", "Jon A Smith").
- **Address-Based Activity:** Planning records linked to addresses associated with the MP, including where co-inhabitants are named (e.g., applications, objections, correspondence) and the MP is not explicitly mentioned.
- **Surname-Based Records:** If name or address searches yield limited results, include planning records involving the surname Begley, narrowed as needed to avoid excessive costs (e.g., filtering for derivations or known addresses).

For each relevant record, please provide:

- **Applications / Appeals / Pre-applications:** Reference number, date(s), property address, type of application, and where applicable, a note (e.g., "co-inhabitant at [address]") with redacted names as appropriate.
- **Objections / Representations:** Reference number, date, property address, summary of comments, and anonymised indicators of involvement by co-inhabitants.
- **Enforcement Notices / Correspondence:** Brief summary (e.g., nature of issue, date, role), noting co-inhabitant involvement where relevant.
- **Consultation Responses:** Summary, date, and anonymised indication of co-inhabitant participation.

Where applicable, please anonymise or aggregate data in line with UK GDPR, but provide as much information as legally permissible in the public interest.

Suggested Search Approach

You may use discretion to determine the most effective search method. Suggested paths include:

- **Primary:** Search for Órfhlaith Begley, derivations, and any associated addresses in public and internal planning systems, correspondence logs, and archives.
- **Address-Based:** If address(es) associated with the MP are known (via public records or prior planning interactions), search for related activities including those by co-inhabitants.
- **Surname-Based:** If limited results are found, conduct a broader surname search, narrowing if more than 50 records are retrieved.
- **Systems to Check:** Public planning portals, internal databases, email logs, enforcement records, and archived materials.

If the request risks exceeding FOIA Section 12 cost limits, please provide a summary of findings and contact me to refine the scope. If no records are found, please confirm and describe the search conducted.

Public Interest Justification

Disclosure is firmly in the public interest. As an elected official, Órfhlaith Begley is subject to heightened transparency, particularly where private planning activity may intersect with public responsibilities. This includes activities by co-inhabitants at the MP's address, which may reflect household interests relevant to their role.

The **Town and Country Planning Act 1990 (Section 69)** mandates public access to planning registers, further reducing privacy expectations for planning submissions. The **ICO's Decision Notice FS50816241 (2020)** confirmed that elected officials have diminished privacy expectations when involved in planning processes, as transparency ensures accountability. Similarly, **ICO Guidance on FOIA Section 40 (2021)** supports disclosing anonymised or public domain information about public officials where the public interest is clear.

The **Local Government Association's Probity in Planning Guidance (2022)** also emphasises that elected representatives must avoid any appearance of impropriety in planning matters—justifying appropriate scrutiny of MPs' household activities. Such transparency helps prevent undue influence, promotes fairness in planning decisions,

and supports democratic trust, particularly where there may be overlaps between an MP's public duties and private interests.

ICO guidance on FOIA Section 40 supports disclosure of public domain or anonymised information about individuals associated with public officials where the public interest is clear. Since MPs must declare interests that could influence their work (Parliamentary Code of Conduct, 2023, Section 13), scrutiny of planning activity involving co-inhabitants is necessary to uphold transparency, fairness, and democratic trust.

These principles are reinforced by the **Parliamentary Code of Conduct (2023, Section 13)**, which requires MPs to register interests that may influence their actions, highlighting the legitimacy of this request.

Anticipated Objections and Responses

- **Privacy:** I do not seek sensitive personal data beyond what is normally disclosable. Please redact names and contact details of private individuals as appropriate. However, anonymised or redacted records should be disclosed when household connections to the MP are relevant.
- **Cost / Scope:** The request is targeted, with surname searches being secondary. If limits are approached, please advise and I will refine the request.
- **Uncertain Residency:** If the MP's residence is not within your area, please confirm what searches were undertaken by name or constituency affiliation.
- **Internal or Pre-Application Records:** Disclose only what is permitted under FOIA, with appropriate redactions.
- **Vexatiousness:** This is a serious, public interest-driven request concerning transparency of an elected official. The request is clearly scoped and reasoned.

Response

In accordance with Regulation 12(4)(b) by virtue of Regulation 14, your request has been refused. In regard to Part 1, the Planning Office does not currently hold all the information requested in a format in which a report for the information sought can be easily extracted. All representations received in respect of planning applications are stored by the planning application number electronically on the Northern Ireland Planning Portal (NIPP) and also in hard copy files. The NIPP does not have a search facility which allows the user to search by name of someone who has submitted a representation in respect of a planning application. The only means of providing this information is to electronically search or manually interrogate each application to determine if a representation has been received from Colum Eastwood MLA. Over the timeframe of your request, (18.04.2020-19.04.2025), this equates to over 5400 application files.

In accordance with the legislation, I have considered the amount of time it would take to extract the requested information and while it is difficult to accurately estimate the time required, it is clear that it is in excess of 18 hours, the guideline limit as outlined by the Information Commissioner.

However, a conservative estimate is that it could take approximately 10-15 minutes to extract the information requested from each application, which greatly equates the limit as permitted under the legislation - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. Regulation 4(3) states that a public authority can take into account the costs it reasonably expects to incur in carrying out the permitted activities in complying with the request."

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

R Mc Menamin

Rosemarie Mc Menamin

Planning Assistant