



Our Ref: EIR 1635 HOP 108/17

Date: 12th February 2017

Mr
Director
River Faughan Anglers
Campbell Park
Belfast
BT4 3FH

Dear Mr

Re: EIR 1635 - Request for Information/clarification: YMCA Park and Ride facility, Drumahoe, Derry.

I refer to your letter dated 18th January 2018 seeking information and clarification on the above. I will deal with each of your requests individually as below.

Request:

I would be grateful if you could set out the outcome of the discussion(s) and confirm that the planning authority does not intent to take any measures to bring this unauthorised development under planning control?

Response: The current Park and Ride facility does not have planning permission and Council has an open enforcement file in respect of this matter.

Request:

Given RFA raised this breach of planning control with the council, please can you explain why our voluntary organisation was not informed of any position reached by the council?

Response: There is an open enforcement file in respect of this matter.

Request:

Under the Environmental Information Regulations 2004, please can you provide all correspondence, records of meetings and conversations between the Council and the Department regarding the decision to allow this unauthorised development to continue operating outside of planning and environmental regulation.

Response: As this matter is ongoing, it is not appropriate at this point to provide records of meetings and conversations between Council and the Department. This letter should be considered as a refusal notice.

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).

Having taken into account the arguments for and against disclosure, and in particular the fact that this is an ongoing investigation 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 how the Council handled your request for information, you have the right to request that the Council formally review this decision. If you wish to do so, please write to John Kelpie, Town Clerk and Chief Executive, Derry City and Strabane District Council, 98 Strand Road, Derry, BT48 7NN.

Should you remain dissatisfied following the Council's internal review, you can seek an independent review from the Information Commission. Requests for an independent review should be made in writing to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

However, I would advise you 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.

If you have any queries in relation to this response, please contact me on the details given above.