

## **EIR Request (received 31 January 2024) - Reference: DFI/2024-0044**

RE: Local Development Plans (LDP) Independent Examinations- Pac Resource Issues and Independent External Inspectors.

I understand that the PAC has written to you regarding its inability to hold future independent examinations in Northern Ireland due to significant resource issues.

I would be grateful if you can confirm this is the case and if it is, please provide a copy of the correspondence.

I would be grateful if you would consider this letter as a request under the FOI Act, 2000.

If the PAC has indicated that it does not currently have the resources to hold independent examinations can the Department confirm how this issue will be satisfactorily resolved in the future without excessive delay in the adoption of Local Development Plans.

In particular, will the Department exercise its legislative powers to appoint independent external inspectors to hold independent examinations in NI and if so has the appropriate structures been put in place for recruitment, employment etc.

Please can you also clarify when the Mid Ulster LDP Draft Plan may proceed to independent examination as it appears to have been held by the Department for a significant period of time.

## **Response (issued 07 March 2024)**

Local Development Plans (LDP) Independent Examinations - PAC resource issues and independent external inspectors

Thank you for your email on 31 January 2024 requesting information in relation to Independent Examinations.

### **1. PAC Resources**

The Department of Infrastructure has powers to appoint independent persons to conduct certain matters such as hearings or examinations. The Minister will be considering this issue with officials in the coming weeks.

### **2. Mid Ulster LDP Draft Plan**

Officials are preparing to brief the Minister on this issue, and we will be in contact with the Council in due course.

### 3. FOI Request

You have requested the following information: -

*Copy of correspondence from PAC regarding its inability to hold future independent examinations in Northern Ireland due to significant resource issues.*

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request, I can confirm that the Department for Infrastructure does hold information relating to your request. The information you have requested is publicly available on the Department's website at:- <https://www.infrastructure-ni.gov.uk> under references DFI/2023-0355 and DFI/2024-0021.

A link to the responses has been included below for your information.

[DFI/2023- 0355 - EIR request for confirmation whether DfI intends to cause an independent examination in relation to the Mid Ulster Local Development Plan - Draft Plan Strategy, & any associated correspondence from the Planning Appeals Commission, etc.](#)

[DFI/2024-0021 - Copies of all DfI communication over the past 24 months with: 1\) the Planning Appeals Commission \(PAC\); & 2\) the PAC Chief Planner in relation to the PAC inefficiencies.](#)

You can also retrieve the responses by typing in the reference in the search bar at the top of the website homepage and clicking on the magnifying glass icon.

## Copyright notice

The supply of information under the Freedom of Information Act or the Environmental Information Regulations does not give the recipient or organisation that receives it the automatic right to reuse it in any way that would infringe copyright. Information supplied continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can also be used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents provided by a government department or agency will be protected by Crown Copyright. Most Crown Copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information, please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party please see the [Intellectual Property Office's website](#).