

Question:

I am requesting records relating to communications over the last five years concerning the role of the Public Health Agency in planning applications, particularly where public health concerns, environmental exposure pathways, air pollution, dust, PM10, PM2.5, noise, water contamination, quarrying, minerals, sand extraction, concrete, asphalt, landfill or waste activity were discussed.

This request includes, but is not limited to, communications involving MPANI, industry representatives, planning authorities, DAERA/NIEA, the Department of Health, the Chief Medical Officer, the Minister for Health and the Public Health Agency.

Please provide copies of all correspondence, emails, meeting notes, briefing papers, submissions, minutes, internal advice, drafts, Teams messages or records of communication relating to:

1. the PHA's role in responding to planning applications;
2. whether the PHA is, or is not, a statutory consultee in planning;
3. any request, proposal, concern or discussion about limiting, changing, expanding or clarifying the PHA's role in planning responses;
4. public health concerns raised through planning applications;
5. environmental health concerns in planning, including dust, PM10, PM2.5, air pollution, noise, water contamination or exposure pathways;
6. any Ministerial, Departmental, CMO or PHA position on how health concerns in planning applications should be handled.

I am specifically asking that the full chain of communication is followed and disclosed. Please include records showing:

- when the communication was received;
- who received it;
- who it was forwarded to;
- whether it was escalated to the Minister, CMO, Permanent Secretary, Special Adviser or PHA senior leadership;
- what action was taken;
- whether any meeting, briefing, submission, advice, policy position, response or decision followed;
- whether any direction or instruction was issued to the PHA or Departmental officials as a result.

Please also provide copies of any new or updated protocols, guidance, internal instructions, templates, decision records or directions issued in the last five years concerning how the PHA or Department of Health should respond to health concerns raised in planning applications.

For clarity, I am not only requesting final responses or external letters. I am requesting the internal handling trail as well, including drafts, internal emails, notes, briefings, submissions, minutes, Teams messages and records of meetings. If any part of this request is considered too broad, please provide advice and assistance and disclose the information that can be provided within the statutory limits.

Response:

We regret to inform you that we are refusing your request under EIR Regulation 12(4)(b), on the basis that it is manifestly unreasonable due to the significant burden it would place on the Department.

The Department of Health does not play a role in planning applications and is not a statutory consultee. The information you are requesting would require extensive searching using multiple key words, retrieval, and analysis of all content in order to determine whether there is any relevancy (please see the Public Interest Test at Annex A for further information), given the nature of the key words and the Department's role, many of the documents that would need to be considered are unlikely to be relevant to the request. We therefore estimate that complying with this request would require a disproportionate diversion of staff resources by multiple Branches within the Department and significantly impact our ability to carry out core public functions.

A Public Interest Test has been completed for the use of Regulation 12(4)(b) and can be viewed under **Annex A**.

Under Regulation 9 of the Environmental Information Regulations, we would be happy to assist you in refining your request into a more manageable scope. For example, you may wish to:

- Narrow the timeframe (e.g. to 6–12 months),
- Limit the request to specific topics (e.g. air pollution or a particular planning application),
- Identify specific correspondents or teams,

If you submit a refined request, we will be pleased to consider it.

Response issued: 03/07/2026
Reference: DOH/2026-0139

Public Interest Test

Arguments for Disclosure	Arguments for Maintaining the Exception
Transparency and Accountability: Giving the public insight into how environmental public funds are spent.	Initial searches have produced a result of over 100000 to be reviewed. This figure does not represent 100000 documents that hold information relevant to the request but that they hold some of the key words searched for. However, all documents would have to be reviewed for relevancy.
Environmental Participation: Allowing citizens to make informed decisions about planning proposals.	Unreasonable Diversion of Resources: Fulfilling the request would severely disrupt the authority's ability to perform its core environmental or civic duties.
Health and Safety: Revealing any environmental health concerns raised.	Disproportionate Cost: The financial and staff hours required to locate, retrieve, and collate the data far outweigh the tangible value of the information

Accordingly, the balance of the public interest favours maintaining the exception.