

Section 76(1) (a)-(e) of the Planning Act (Northern Ireland) 2011 is reproduced below for ease of access:

‘ 76—(1) Any person who has an estate in land may enter into an agreement with the relevant authority (referred to in this section and sections 77 and 78 as “a planning agreement”), enforceable to the extent mentioned in subsection (4)—

- (a)facilitating or restricting the development or use of the land in any specified way;
- (b)requiring specified operations or activities to be carried out in, on, under or over the land
- (c)requiring the land to be used in any specified way;
- (d)requiring a sum or sums to be paid to the authority on a specified date or dates or periodically; or
- (e)requiring a sum or sums to be paid to a Northern Ireland department on a specified date or dates or periodically.’

As you are aware we have been refused access to the S76 planning agreement in respect of planning application LA05/2022/0033/F as it was in draft format. Failing to have access to the S76 planning agreement we should be grateful to receive from you the following information under freedom of information legislation:

- (1) Which provision of Section 76 applies to this application?
- (2) The reason/reasons why a S76 Agreement has been requested since in 2023 the planning applicant applied for 3 social houses within the original application?
- (3) How the applicants recent application for a 4th social housing dwelling lie within any of the provisions of Section 76 (1)(a)-(e), set out above.
- (4) We understand that Planners have now received the plans for the proposed 4th Social Dwelling. Does this mean that the S76 planning agreement is no longer in Draft form and that, therefore, Regulation 12(4)(d) of the Environmental Information Regulations (EIR) no longer applies.

An early response would be appreciated.

Yours sincerely,

Quarterlands Group